S. HRG. 100-429, PT. 1

INDIAN EDUCATION

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

S. 1645

TO REAUTHORIZE CERTAIN INDIAN EDUCATIONAL PROGRAMS

AUGUST 17, 1987
PINE RIDGE, SD

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INDIAN EDUCATION

MONDAY, AUGUST 17, 1987

U.S. SENATE
SELECT COMMITTEE ON INDIAN AFFAIRS
WASHINGTON, DC.

The committee met, pursuant to notice, at 10 a.m., at Billy Mills Hall, Pine Ridge, SD, Hon. Thomas A. Daschle (senior member present) presiding.

Present: Senator Daschle.

STATEMENT OF HON. TOM DASCHLE, U.S. SENATOR FROM SOUTH DAKOTA

Senator DASCHLE. The hearing will come to order.

I want to welcome all of those who are here this morning. The U.S. Senate Select Committee on Indian Affairs is meeting this morning to hold what will be one in a series of hearings on S. 1645, the Indian Education Amendments Act of 1987. It is anticipated that the Senate Committee on Indian Affairs will finish its work by mid-October and that the provisions of S. 1645 will be incorporated in the omnibus elementary and secondary education bill which is now being drafted by the Senate Labor and Human Resources Committee. After the omnibus bill passes the Senate, we will conference with the House on the provisions of this bill, H.R. 5. Many of the provisions of S. 1645 are identical to those affecting Indian education programs contained in that bill. I apologize that we do not yet have printed copies of S. 1645, which was introduced on August 7. Most of you, however, have a copy of the draft bill, which is identical to S. 1645, so we are working from the same piece of legislation.

[The text of S. 1645 follows:]

II

100TH CONGRESS
1ST SESSION

S. 1645

To reauthorize certain Indian educational programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 7 (legislative day, AUGUST 5), 1987

Mr. DECONCINI (for himself, Mr. INOUYE, Mr. EVANS, Mr. DASCHLE, Mr. BURDICK, Mr. MCCAIN, and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

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A BILL

To reauthorize certain Indian educational programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INDIAN EDUCATION

SHORT TITLE

SECTION 101. This title may be cited as the "Indian Education Amendments Act of 1987".

STATUTORY AUTHORITY FOR BUREAU FUNDED SCHOOLS

SEC. 102. Paragraphs (1), (2), and (3) of subsection (g) of section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001(g)) are amended to read as follows:

"(1) The Congress hereby specifically authorizes funding under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) for the operation of each school or dormitory which—

"(A) was a Bureau funded school on January 1, 1987, including (i) each school or dormitory facility in operation on that date or for which construction, expansion, or improvement was authorized but which was not in operation before that date; and (ii) each grade level or other program of the school in operation on that date or which was, prior thereto, authorized by the Congress, the Secretary, or the Bureau but which had not been initiated prior to such date; or

"(B) becomes a Bureau funded school after January 1, 1987, by law, action of the Secretary, or action of the Bureau (including a school, dormitory, or grade level or other program expansion identified in a congressional committee's report in connection with an Act or Joint Resolution providing appropriations for fiscal year 1987, or any subsequent fiscal year, for such school, dormitory, grade level, or program expansion).

"(2) Notwithstanding any other law, the Secretary may not terminate, transfer, or contract to any

other entity (except under the Indian Self-Determination and Education Assistance Act or the Indian Self-Determination Grants Act of 1987), consolidate, or substantially curtail a Bureau funded school (including a grade level, program, or facility of the school) authorized under this subsection except (A) as hereafter expressly provided by a provision of law, enacted after the date of the enactment of the Indian Education Amendments Act of 1987, relating specifically to the school and the action, or (B) as requested by resolution of the tribal governing body or bodies representing an aggregate of 90 percent or more of the students served by the school.

"(3) If the Secretary or any part of the Department of the Interior or of the Bureau, at any time, has under consideration or review an action subject to paragraph (2), the Secretary shall promptly report that fact to the affected tribal governing body or bodies and to local school board or boards of the school or schools involved. Those bodies shall be (A) kept fully and currently informed during such consideration or review, (B) afforded opportunities to comment as the consideration or review progresses, and (C) notified at least 6 months prior to the end of the school year preceding the proposed effective date of such an action if a

formal decision is made that the action should be taken. Copies of such a notice shall be promptly transmitted to the Congress and published in the Federal Register.".

EMERGENCY AND SPECIAL SITUATIONS

SEC. 103. Subsection (g) of section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001(g)) is further amended by adding at the end thereof the following new paragraphs (5), (6), and (7) as follows:

"(5)(A) A temporary action that would be subject to paragraph (2) may be taken by the Secretary if required by conditions that constitute an immediate hazard to health or safety of the school's students.

"(B) The hazard which makes the action necessary must be confirmed by an inspector designated by a tribal governing body of the location of the school or, in the case of a school not located within the jurisdiction of a tribe, designated by a tribal governing body representing a substantial number of the students who attend the school. If an inspector is not designated by a tribal governing body within a reasonable time, the hazard must be confirmed by a State, county, or municipal inspector designated by the Secretary.

"(C) If the hazard is confirmed, the action may be taken without regard to paragraphs (2), (3), and (4) but shall be for the shortest possible period and shall terminate before the beginning of the second academic term after the action is

taken. An extension of the temporary period may only be allowed (i) if approved by resolution of the tribal governing body or bodies representing an aggregate of 90 percent or more of the students served by the school, or (ii) by compliance with paragraphs (2), (3), and (4).

"(6) The Assistant Secretary shall prescribe regulations governing the determination of eligibility for schools to become Bureau funded schools and for Bureau funded schools to add grade levels or otherwise expand their programs in a manner which will increase the amount of funding they would be eligible to receive from the Bureau. The regulations shall provide for the eligibility determination to be based on geographic and demographic factors and the history and record of success or failure of (A) the proposed school or school proposing to add a grade level or otherwise expand its program, and (B) the public schools or other alternative providers or potential providers of the services which the school proposes to provide with the financial assistance that would be provided by the Bureau. A determination of disapproval under the regulations may not be based on the proximity of other education facilities. The regulations shall provide for the invitation and consideration of information and views from the Indian tribe or tribes affected, the local education agencies in the area, and all other interested parties.

"(7) Notwithstanding any other provision of law, the Bureau funded schools at the Pueblo of Zia and the Tama Settlement are each expanded to include grades kindergarten through grade 8 at the beginning of the next school year after a vote of the school's local school board for such an expansion if the vote occurs within two years of the date of the enactment of this sentence.".

DORMITORY CRITERIA

SEC. 104. Section 1122 of the Education Amendments of 1978 (25 U.S.C. 2002) is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection (d):

"(d)(1) The criteria established under this section may be waived in the same manner as provided for the waiver of standards in section 1121(d) of this Act.

"(2) An action that is subject to section 1121(g)(2) of this Act may not be taken with respect to a school that was a Bureau funded school on January 1, 1987, because the school does not meet the criteria established under this section.

"(3) By February 1, 1988, the Assistant Secretary shall submit to the Congress a report detailing the costs associated with, and the actions necessary for, complete compliance with the criteria established under this section.".

ENACTMENT OF REGULATIONS

SEC. 105. Section 1123 of the Education Amendments of 1978 (25 U.S.C. 2003) is amended to read as follows:

"REGULATIONS

"SEC. 1123. (a) The provisions of parts 31, 32, 33, 39, 40, 42, and 43 of title 25, Code of Federal Regulations, as in effect on April 1, 1987, shall remain in effect on and after the date of the enactment of the Indian Education Amendments Act of 1987 until changed or amended in accordance with this section.

"(b) Such parts referred to in subsection (a) may only be changed or amended as specifically provided by a law enacted after the date of enactment of the Indian Education Amendments Act of 1987. Except as required (1) to implement Public Law 99–228, (2) to implement a gifted and talented factor in the formula under section 1128(a)(2)(H), or (3) as specifically required by this Act or any other law enacted after the enactment of the Indian Education Amendments Act of 1987, no regulation, guidelines, policies, procedures, or executive action of general effect shall be issued or implemented concerning matters included in the parts referred to in subsection (a) except as provided by a law enacted after the date of the enactment of the Indian Education Amendments Act of 1987.

"(c) The Secretary may waive a provision of a part referred to in subsection (a) for the benefit of an Indian if (1)

the waiver is not contrary to another law, and (2) the waiver was permissible under section 1.2 of part 1 of title 25, Code of Federal Regulations, as such section was in effect on April 1, 1987.

"(d) On and after the date of the enactment of this subsection, in the administration of section 40.1 of part 40, title 25, Code of Federal Regulations, the terms 'loans or', 'loans and', and 'of one-fourth or more degree' shall be considered as having been deleted.".

FORMULA MODIFICATIONS

SEC. 106. Subsection (a) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended by adding at the end thereof the following new sentence: "For fiscal year 1989 and each subsequent fiscal year in which the formula established under the first sentence of this subsection is used to determine the amount of funds for each Bureau funded school, the Secretary shall (i) use a weighted student unit of 1.2 for students in the seventh and eighth grades; (ii) consider a school with an average daily attendance of less than 50 students as having an average daily attendance of 50 students for purposes of implementing the small school adjustment factor; and (iii) make provision in the formula for the provision of residential services on a less than nine-month basis at a school when the school board and supervisor determine that a less than nine-month basis will be implemented for the school year involved.".

ADMINISTRATIVE COST

SEC. 107. (a) The text of subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended to read as follows:

"(c) The Secretary shall provide each Bureau funded school (other than a Bureau school) with an administrative cost allowance in addition to the amount allocated under subsection (a) of this section. The amount provided (subject to the availability of appropriations) shall be either the actual amount needed or an amount determined under a formula which the Secretary prescribes by regulation after consultation with Indian tribes, school boards, Indian educators and education administrators, and others.".

(b) Section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended by adding at the end the following new subsection (h):

"(h) The term 'administrative cost allowance' as used in this section means the amount that a Bureau funded school (other than a Bureau school) is provided under subsection (c) of this section to meet their necessary additional expenses that a Bureau school does not need to incur. These additional expenses may include, but are not limited to, the cost of insurance, fiscal management and auditing, legal services, archives, contract or agreement administration, and services for

personnel management, procurement, and property management.".

LOCAL PROCUREMENT

SEC. 108. (a) Section 1129(a)(4) of the Education Amendments of 1978 (25 U.S.C. 2009) is repealed.

(b) Section 1129 of such Act (25 U.S.C. 2009) is amended by adding the following new subsection (e) at the end thereof:

"(e) Notwithstanding any law or regulation, the supervisor of a Bureau school may expend an aggregate of no more than $25,000 of the amount allotted the school under section 1128 to acquire supplies and equipment for the school without competitive bidding if for each procurement—

"(1) the cost for any single item purchase does not exceed $10,000;

"(2) the school board approves the procurement in advance;

"(3) the supervisor certifies that the cost is fair and reasonable;

"(4) the documents relating to the procurement executed by the supervisor or other school staff cite this subsection as authority for the procurement; and

"(5) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the prices paid, the quantities acquired, and any

other information the supervisor or board considers relevant.".

(c) This section shall take effect on the date of its enactment into law, or on October 1, 1987, whichever occurs later.

COORDINATED PROGRAMS

SEC. 109. Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding after subsection (e) the following new subsection:

"(f)(1) A tribe or tribes whose children are served by a Bureau school or a program in a Bureau school may enter into a cooperative agreement with a local education agency or a public school concerning the school or program. The agreement may involve coordination of some or all of the following—

"(A) the academic program and curriculum (but if implementation of the agreement would result in the loss of any State or regional accreditation the Bureau school has achieved, the agreement must be approved by the Secretary);

"(B) support services, including procurement and facilities maintenance; and

"(C) transportation.

"(2) Except as provided in subparagraph (A) of paragraph (1), an agreement under this subsection shall not be

subject to approval by the Secretary or the supervisor of the Bureau school or schools involved.

"(3) Subject to the availability of amounts allotted under section 1128 to the Bureau school or schools involved, upon request by the tribe or tribes involved, the Secretary and supervisor shall implement a cooperative agreement entered into under this subsection.".

CONSULTATION

SEC. 110. (a) Section 1130 of the Education Amendments of 1978 (25 U.S.C. 2010) is amended as follows:

(1) by deleting "Bureau" the first time it appears and inserting in lieu thereof "the Secretary and the Bureau";

(2) by adding the following sentences at the end thereof: "The Secretary shall engage in consultation with the tribes as to all matters relating to the Secretary's carrying out of Indian education programs or support services for those programs including (but not limited to) the Secretary's carrying out of this Act and any other authorities or matters relating to the education of Indian children or adults. No policy or regulation relating to matters for which consultation is required under this section may be initiated or changed prior to such consultation."; and

(3) by redesignating the current text as subsection (a) and adding the following new subsections at the end thereof:

"(b)(1) In this section the term 'consultation' means the Secretary's dialog with tribes and Indian organizations during a systematic process of meeting with tribes and Indian organizations as provided in this subsection.

"(2) The meetings shall be held in various localities around the United States to facilitate participation. The meetings shall be planned so that one is held at least once every three months and that one is held at least once every two years in each of the Bureau's geographic administrative areas having Bureau funded schools or public schools serving Indian students aided by the Bureau under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.).

"(3) At least 30 days before each meeting, the Secretary shall publish a notice of the meeting in the Federal Register and send a notice of the meeting to at least those agency school boards, local school boards, Bureau funded schools, and local parent committees or Indian controlled local school board of a public school with students for which the Bureau provides aid under the Act of April 16, 1934, in the Bureau's geographic administrative area in which the meeting is to occur and to each tribal governing body representing a substantial portion of the students at one or more of

those schools. The notices shall state the date, time, and place for the meeting and the subjects to be discussed and that adequate time will be provided for the representatives of the recipient of the notice and representatives of other tribes or Indian organizations to ask questions and discuss those subjects or other matters relating to (A) the Secretary's carrying out of Indian education programs or support services for those programs under this Act and any other authorities, and (B) the education of Indian children or adults in Bureau funded or other schools.

"(4) The Secretary shall assure that each meeting includes the provision of information and a dialog on (A) Indian education related budget or policy proposals, and (B) regulatory, administrative, or procedural changes which will be made or which may be considered during at least the six months following the meeting.

"(5) Each meeting will be conducted by the Secretary (or an official designated by the Secretary to represent and speak for the Secretary) who shall be accompanied by the Director of the Office of Indian Education Programs (or an official designated by the Director to represent and speak for the Director) and such other officials and staff as may be desirable to assure responsiveness to questions and that the Secretary or the Secretary's representative and accompanying officials and staff can engage in an informative dialog

with those attending the meeting concerning the subjects identified in the notice of the meeting and other matters that are likely to be considered.

"(c) To the maximum extent practicable, the Secretary shall accommodate a request from a tribe or an Indian organization for a special consultation meeting under this section.

"(d) The Secretary shall carry out the recommendations made by tribes and Indian organizations during consultation under this section unless the Secretary determines otherwise for clear and convincing reasons and advises such tribes and organizations in writing.

"(e) The Secretary shall promptly report any violation of this section to the Congress.".

(b) Section 1136(a) of the Education Amendments of 1978 (25 U.S.C. 2016(a)) is amended by inserting after the second sentence therein the following new sentence: "Such report shall include information on the Secretary's compliance with section 1130, the recommendations and views received from tribes and Indian organizations during the consultation process required by section 1130, and the Secretary's clear and convincing reasons for not carrying out each recommendation received during the consultation process which the Secretary has not carried out.".

INDIAN EMPLOYMENT PREFERENCE

SEC. 111. Subsection (f)(1) of section 1131 of the Education Amendments of 1978 (25 U.S.C. 2011) is amended by

deleting "an employee" and inserting in lieu thereof "an applicant or employee".

PERSONNEL COMPENSATION, RECRUITMENT, AND RETENTION

SEC. 112. (a) The Education Amendments of 1978 is amended by inserting after section 1140B (25 U.S.C. 2022) the following new section 1140C:

"STUDIES

"SEC. 1140C. (a)(1) The Assistant Secretary for Indian Affairs shall conduct such studies and develop such information as may be needed for a report that the Assistant Secretary shall submit to Congress by March 1, 1988, comparing personnel compensation in Bureau funded schools with that in the public schools of the local education agencies nearest the Bureau funded schools and with the averages for public schools in the States in which the Bureau funded schools are located. The report shall include detailed information on (A) the current salaries and personnel benefits for comparable positions in the Bureau funded and public schools, (B) a comparison of starting salaries, tenure, length of service, educational and certification requirements, length of work year and work day, and fringe benefits, (C) a projection of the Bureau funded and public school compensation figures over the next five years, and (D) such additional information and analysis as the Assistant Secretary deems appropriate.

"(2) The cost of the studies and report (including but not limited to costs for all contracts, travel, and staff assigned to the study) shall be paid from amounts appropriated for the Bureau's Management and Administration Subactivity of the General Administration Activity except that the salaries and personnel benefits of employees detailed to the study from the Bureau's Office of Indian Education Programs may continue to be charged to the amounts appropriated for the Bureau's Education Activity. The staff detailed to work on the studies and report shall include not less than two career employees from the Office of Indian Education who have substantial experience in the administration at the agency level of school operations and in the drafting of personnel regulations, including but not limited to those under this Act.

"(3) The Assistant Secretary shall conduct such future studies of personnel compensation in Bureau funded and public schools as are desirable in carrying out this Act.

"(4) The Assistant Secretary may conduct part or all of the studies under this subsection by a contract or contracts with one or more Indian education organizations.

"(b)(1) Upon the request of the local school board of a Bureau school, the Assistant Secretary shall grant the supervisor of the school authorization for one or more post differentials under section 1131(h)(3) unless the Assistant Secretary determines for clear and convincing reasons (and advises

the board in writing of those reasons) that certain of the requested post differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school that is either (1) at least 5 percent, or (2) less than 5 percent and affects the recruitment or retention of employees at the school. The request of a local school board under this subsection shall be deemed granted as requested at the end of the 60th day after the request is received in the Bureau's Central Office unless before that time it is approved, approved with modification, or disapproved by the Assistant Secretary.

"(2) The Assistant Secretary or the supervisor may discontinue or decrease a post differential authorized under this subsection at the beginning of a school year after either (A) the local school board requests that it be discontinued or decreased, or (B) the Assistant Secretary or supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(c) On or before February 1 of each year, the Assistant Secretary shall submit a report to Congress describing the requests and grants of authority under this subsection during

the previous fiscal year and listing the positions contracted under those grants of authority.".

(b) Section 1136(a) of the Education Amendments of 1978 (25 U.S.C. 2016(a)) is amended by adding at the end thereof the following sentence: "Additional reports to Congress are required in sections 1130(e) and 1140C(c).".

DEFINITIONS

SEC. 113. Section 1139 of the Education Amendments of 1978 (25 U.S.C. 2019) is amended as follows:

(1) Clause (3) is amended to read as follows: "(3) the term 'Bureau funded school' means (A) a Bureau school; (B) a contract school; or (C) a school financially assisted under the Indian Self-Determination Grants Act of 1987;"; and

(2) Clauses (4) through (10) are redesignated as (6) through (12) and the following new clauses are inserted after clause (3):

"(4) the term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending other than a Bureau school;

"(5) the term 'contract school' means an elementary or secondary school or a dormitory which receives financial assistance for its operation under a contract or agreement with the Bureau under section 102, 104(1), or 208 of the Indian Self-Determination and

Education Assistance Act (25 U.S.C. 450f, 450h(1), and 458d).

INDIAN PREFERENCE

SEC. 114. The Indian preference provisions of section 12 of the Indian Reorganization Act (25 U.S.C. 472) shall, on and after the effective date of this section, be considered to be applicable in the case of any office or position within the Office of Indian Education, Department of Education, involved in the administration of the Indian Education Act of 1972.

TITLE II—SELF-DETERMINATION GRANTS

SHORT TITLE

SEC. 201. This title may be cited as the "Indian Schools Operations Agreements Act of 1987".

CONGRESSIONAL FINDINGS

SEC. 202. (a) The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, American Indian people, finds that—

(1) the Indian Self-Determination and Education Assistance Act of 1975, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

(2) the Bureau of Indian Affairs' administration and domination of the Public Law 93–638 contracting

process has not provided the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and

(3) the Indian people will never surrender their desire to control their relationships both among themselves and with the non-Indian governments, organizations, and persons.

(b) The Congress further finds that—

(1) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

(2) the Federal administration of education for Indian children has not effected the desired level of educational achievement nor created the diverse opportunities and personal satisfaction which education can and should provide;

(3) true local control requires the least possible Federal interference; and

(4) the time has come to enhance the concepts made manifest in Public Law 93–638.

DECLARATION OF POLICY

SEC. 203. (a) The Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

(b) The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will further deter further perpetuation of Federal bureaucratic domination of programs.

(c) The Congress declares that a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

(d) The Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspira-

tions of Indian tribes and communities. These can best be met through a grant process.

(e) The Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

(f) The Congress hereby repudiates and rejects any policy of unilateral termination of Federal relations with any Indian Nation.

GRANTS AUTHORIZED

SEC. 204. (a) Grants under this title shall go into a general operating fund of the school to defray, at the determination of the tribally controlled school board, any expenditures, including but not limited to, expenditures for school operations, academic, educational, residential, guidance and counseling, and administrative purposes and for the operation and maintenance (where funds for same are provided at the request of the tribally controlled school board) and for support services, including transportation, of the school. Funds provided pursuant to this title may not be used in connection with religious worship or sectarian instruction.

(b) Funds may not be expended for administrative costs (as defined under section 1128(g) of the Education Amendments of 1978) in excess of the amount generated for such costs under section 1128(c) of such Act.

(c) In the case of a grantee which operates more than one schoolsite, the grantee shall expend no less than 95 per-

cent of the funds generated under section 1128 of the Education Amendments of 1978 for each schoolsite at each school site.

GRANTS ELIGIBILITY

SEC. 205. (a) To be eligible for grants under this title, a tribally controlled school shall fulfill one of the following criteria—

(1) was, on the date of the enactment of this Act, a school which received funds under the authority of the Indian Self-Determination and Education Assistance Act (Public Law 93–638);

(2) was a school operated (as either an elementary or secondary or combined program) by the Bureau of Indian Affairs on the date of the enactment of this Act, meets the requirements of a tribally controlled school, and has met the requirements of section 206(a); or

(3) is a tribally controlled school for which funds from the Bureau of Indian Affairs have not been previously received but which has met the requirements of section 206(b).

(b) Any application which has been submitted by a tribe for a school which is not in operation on the date of the enactment of this Act shall be reviewed under the guidelines and regulations in effect at the time of submission, unless the tribe or tribal organization elects to have the application reviewed under the provisions of section 206.

(c) Nothing in this Act may or shall be construed to require a tribe or tribal organization, or allow the coercion of any tribe or tribal organization, to apply for or accept a grant under this Act to plan, conduct, and administer all or parts of any Bureau program. Such applications, and the timing of such applications are strictly voluntary. Nothing in this title shall be construed as allowing or requiring any grant with any other entity, whatsoever.

DETERMINATION OF ELIGIBILITY

SEC. 206. (a)(1) Within 120 days after receiving a request submitted by an Indian tribe or tribal organization for eligibility under subsection (b) of section 205, the Secretary shall make an initial determination of whether the applicant can maintain a tribally controlled school. The Secretary shall award a grant based upon such application unless the Secretary finds by clear and convincing evidence that the services to be provided will be deleterious to the welfare of the Indian beneficiaries of the particular program to be operated under this authority. In the award of a grant under this paragraph, the Secretary shall consider whether the tribe or tribal organization would be deficient in performance under the grant with respect to (A) equipment, (B) bookkeeping and accounting procedures, (C) substantive knowledge of the program to be operated, (D) adequately trained personnel, or (E) other necessary components of grant performance.

(2) An application from a tribal organization shall be accompanied by an action of the tribal governing body authorizing such application. A grant shall become effective beginning with the academic year succeeding the fiscal year in which such application is made or at an earlier date, at the Secretary's discretion.

(3)(A) Whenever the Secretary declines to issue a grant under this section, the Secretary shall (i) state the objections in writing to the tribe or tribal organization within the allotted time, (ii) provide assistance to the tribe or tribal organization to overcome all stated objections, and (iii) provide the tribe or tribal organization a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objection raised.

(B) Whenever the Secretary has provided an opportunity and the technical assistance necessary to correct stated objections under subparagraph (A), the Secretary shall reconsider the amended application within 60 days.

(b)(1) The Secretary, within 180 days after receiving a request by an Indian tribe or tribal organization seeking a grant for a tribally controlled school program for which funds from the Bureau of Indian Affairs have not been previously received, shall conduct an eligibility study to determine whether there is justification to maintain a tribally controlled

school and shall make an initial determination of eligibility under this title. In making this determination, the Secretary shall give equal weight to all of the following factors:

(A) Within the applicant's proposal—

(i) the adequacy of facilities or the potential to obtain or provide adequate facilities;

(ii) geographic and demographic factors in the affected areas;

(iii) adequacy of applicant's program plans;

(iv) geographic proximity of comparable public education, provided that no negative decision can be made primarily based upon the proximity of such programs; and

(v) the wishes of all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and

(B) with respect to all education services already available—

(i) geographic and demographic factors in the affected areas;

(ii) adequacy and comparability of programs already available;

(iii) consistency of available programs with tribal education codes or tribal legislation to education; and

(iv) the history and success of these services for the proposed population to be served, as determined from all factors and not just standardized examination performance.

(2) An application from a tribal organization under this authority shall be accompanied by an action by the tribal governing body authorizing such application. Submission of information on the factors in paragraph (1)(A) shall constitute an adequate submission for purposes of an application under this section, provided that the applicant may also provide such information relative to the factors in paragraph (1)(B) as it considers appropriate. Except as provided in paragraph (3), a grant shall become effective beginning with the academic year succeeding the fiscal year in which such application is made or at an earlier date, at the discretion of the Secretary. Whenever the Secretary declines to issue a grant under this subsection, the Secretary shall (A) state the objections in writing to the tribe or tribal organization within the allotted time, (B) provide assistance to the tribe or tribal organization to overcome all stated objections, and (C) provide the tribe or tribal organization a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Edu-

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cation Assistance Act, and an opportunity to appeal the objection raised.

(3) If the Secretary fails to make a determination within 180 days of receipt of the application, such application is approved, provided that in these cases, the grant shall become effective 18 months after the date of application, or an earlier date, at the Secretary's discretion.

(c)(1) Expansions of the grade levels offered or modification to initiate residential services by eligible tribally controlled schools shall require an application. Such application shall be by a tribe or be accompanied by an action of the tribal governing body authorizing such application. The Secretary, within 120 days after the receipt of an application under this subsection, shall make a final determination on such application. Expansion or change of services or programs within grade levels shall not require Secretarial approval. In reviewing all applications under this subsection, the Secretary shall give equal weight to the factors in subsection (b)(1), and to the enhancement of the quality of the overall program offered by the applicant. Whenever the Secretary declines to agree to the expansion proposed under this subsection, the Secretary shall (A) state the objections in writing to the tribe or tribal organization within the allotted time, (B) provide assistance to the tribe or tribal organization to overcome all stated objections, and (C) provide the tribe or tribal

organization a hearing under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act and an opportunity to appeal the objection raised.

(2) A modification to a grant under this subsection will become effective beginning with the academic year succeeding the fiscal year in which such application is made or at an earlier date, at the discretion of the Secretary, except that an expansion involving more than two grade levels, or their equivalent, or the addition of residential services to a program not now offering them shall become effective 12 months after the application, or earlier, at the discretion of the Secretary. Whenever the Secretary declines to modify a grant pursuant to this subsection, the Secretary shall (A) state the objections in writing to the tribe or tribal organization within the allotted time, (B) provide assistance to the tribe or tribal organization to overcome all stated objections, and (C) provide a tribe or tribal organization a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act, and an opportunity to appeal the objection raised.

(d) All applications under this section shall be filed with the Office of the Agency Education Superintendent or Education Programs Officer or Area Education Officer, at the discretion of the Director of the Office of Indian Education

Programs (hereinafter referred to as the "Office"), and the calculation of the timeliness will begin on the date of receipt by this Office.

(e) The Bureau of Indian Affairs shall submit an annual report to Congress on all applications received and actions taken under this section at the same time as the budget is submitted.

GRANTS

SEC. 207. (a) Tribally controlled schools meeting at least one of the criteria under section 205(a) or which have a positive determination under section 206 shall receive grants under this Act.

(b) The eligibility determination made under section 206 shall only be made for the initial grant. Extension shall be automatic, subject to the availability of appropriations and satisfactory performance, as defined in this title.

(c)(1) For purposes of this title, satisfactory performance shall be defined only as the submission of the reports stipulated under paragraph (2) and one of the following:

(A) Certification or accreditation by a State or regional accrediting association as determined by the Secretary of Education, or candidacy in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by students within the education programs are or will be accepted at grade level by a State certi-

fied or regionally accredited institution provided that the Secretary may waive this requirement for a period not to exceed three years if the Secretary determines that there is a reasonable expectation that candidacy or accreditation will be reached within that time and that the program offered is beneficial to the Indian students.

(B) Accreditation by a Tribal Division of Education.

(C) Acceptance of the standards promulgated under section 1121 of the Education Amendments of 1978, evaluation of performance under this section to be done in conformance with the regulations pertaining to Bureau operated schools by an outside evaluator chosen by the grantee, but no grantor shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.

(D) A positive evaluation conducted once every three years for performance under standards adopted by the contractor under the contract for a school contracted under Public Law 93–638 prior to the date of enactment of this title, such evaluation to be conducted by an outside evaluator agreed to by the Secretary and the grantee provided that upon failure to agree on such an evaluator, the tribal authority shall choose the evaluator or perform the evaluation.

The choice of standards shall be consistent with section 1121(e) of the Education Amendments of 1978.

(2) The reports to be submitted shall be limited to—

(A) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

(B) a biannual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

(C) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

(D) a program evaluation conducted by an outside entity, to be based on the standards under paragraph (1).

(d) Grants under this title shall not terminate, modify, suspend, or reduce the Federal responsibility to provide such a program. Whenever an Indian tribe requests retrocession of any program receiving a grant under this title, such retrocession shall become effective upon a date specified by the Secretary not more than 120 days from the date of the request of the tribe or such later date as may be mutually agreed upon by the appropriate Secretary and the tribe.

(e) The Secretary shall not make a determination of a lack of satisfactory performance or reassume a program until the Secretary provides notice to the tribal authority authoriz-

ing the tribally controlled school, giving the specific deficiencies which led to the negative determination and the actions which are needed to remedy said deficiencies and afford such authority an opportunity to effect any remedial actions, except that the Secretary shall provide such technical assistance as is necessary to effect such actions. Such notice and technical assistance shall be in addition to hearing and appeal to be conducted pursuant to the regulations established under section 206.

GRANT AMOUNTS

SEC. 208. (a) One grant shall be made to each tribally controlled school for each fiscal year for a sum which is not less than the total of—

(1) the amount the tribally controlled school is eligible to receive under section 1128 of the Education Amendments of 1978, including, but not limited to, any funds provided under this or any other authority for transportation costs;

(2) funds provided for operations and maintenance and other facilities accounts, pursuant to the provisions of section 1126(d)(1) of the Education Amendments of 1978, if such funds have been requested by the tribally controlled school;

(3) any other provision of law notwithstanding, funds received and distributed by the Bureau under authority of chapter 1 of the Education Consolidation and

Improvement Act of 1981 and the Education of the Handicapped Act, on the same basis as these funds are distributed to Bureau operated programs, provided that programs which are within the basic grant of authority under the legislation for funds so distributed are conducted within the grantee's program, the Bureau shall place no program priority or activity limitations whatsoever upon receipt of these funds; and

(4) administrative costs as determined under section 1128(c)(1) of the Education Amendments of 1978.

(b) No grantee receiving a grant shall be held accountable for interest earned on grant funds, pending their disbursement for program purposes. Interest derived is not to be used to reduce Federal dollars under the Federal funding levels generated by the contractors under this authority, or any other authority. The investment of Federal dollars must be only in federally insured investments.

(c) For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this title shall not be taken into consideration.

APPLICABILITY OF OTHER STATUTES

SEC. 209. All provisions of sections 5, 6, 7, 105, 109, and 110 of the Indian Self-Determination and Education Assistance Act (Public Law 93–638) except those provisions pertaining to indirect costs and length of contract, shall apply

equally to grants under this title. Until 120 days after the date of enactment of this title, contractors for activities covered by this title who have a contract under the Indian Self-Determination and Education Assistance Act in effect upon such date of enactment shall be afforded an opportunity to elect to have the provisions of this title apply to such activity.

ROLE OF THE DIRECTOR

SEC. 210. Applications for grants pursuant to this title and all application modifications shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

REGULATIONS

SEC. 211. The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this title. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this title, the Secretary shall not issue regulations. Regulations issued pursuant to this title shall not have the standing of a Federal statute for the purposes of judicial review.

DEFINITIONS

SEC. 212. For the purposes of this title, the term—

(1) "eligible Indian student" has the meaning of such term in section 1128(f) of the Education Amendments of 1978;

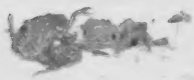
(2) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native Village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(3) "tribal organization" means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities, except that in any case where a grant is made to an organization to perform services benefiting more than one Indian tribe, the approval of Indian tribes representing 80 percent of those students attending such a tribally controlled school shall be considered a sufficient prerequisite of tribal authorization for such grant;

(4) "Secretary", unless otherwise designated, means the Secretary of the Interior;

(5) "tribally controlled school" means a school, operated by a tribe or a tribal organization, enrolling students in grades kindergarten up to grade 12, including preschools, which is not a local educational agency as defined in this title, and which is not directly administered by the Bureau of Indian Affairs; and

(6) "a local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.



TITLE III—OTHER PROGRAMS OF INDIAN EDUCATION

EXTENSIONS OF AUTHORIZATIONS OF OTHER INDIAN EDUCATION PROGRAMS

SEC. 301. (a) Section 307(a) of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241ff) is amended by—

(1) deleting "(1)" after "appropriated";

(2) deleting "October 1, 1986" and inserting in lieu thereof "October 1, 1993"; and

(3) deleting the fourth comma and all that follows and inserting in lieu thereof a period.

(b)(1) Section 421(g)(1) of the Indian Education Act is amended by deleting "1989" and inserting in lieu thereof "1993".

(2) Section 421(g) of such Act is further amended by deleting paragraph (3).

(c)(1) Section 422(c) of the Indian Education Act (20 U.S.C. 3385a) is amended by deleting "1986" and inserting in lieu thereof "1993";

(2) Section 422(c) of the Indian Education Act (20 U.S.C. 3385a) is further amended by deleting the second sentence thereof.

(d) Section 423(a) of the Indian Education Act (20 U.S.C. 3385b) is amended by deleting "1989" and inserting in lieu thereof "1993".

(e) Section 423(d) of the Indian Education Act (20 U.S.C. 3385b) is amended to read as follows:

"(d) There is authorized to be appropriated for the purposes of this section such sums as may be necessary for fiscal year 1989 and each of the next following four fiscal years.".

(f) Section 442(a) of the Indian Education Act (20 U.S.C. 1221g(a)) is amended by deleting "1989" and inserting in lieu thereof "1993".

PROOF OF ELIGIBILITY

SEC. 302. Section 453(a) of the Indian Education Act (20 U.S.C. 1221h(a)) is amended by inserting ", as defined by the tribe, band, or other organized group," immediately after "member".

GIFTED AND TALENTED

SEC. 303. (a) The Secretary of Education shall establish American Indian Gifted and Talented Centers located at Sinte Gleska College and Navajo Community College, and shall make grants to and enter into contracts with the Sinte Gleska College, the Navajo Community College, and the American Indian Higher Education Consortium for demonstration projects designed to address the special needs of American Indian gifted and talented elementary and secondary school students and their families. The grantees shall be

authorized to subcontract where appropriate, including with the Children's Television Workshop.

(b) Demonstration projects under this section may include—

(1) the identification of the special needs of gifted and talented students, particularly at the elementary school level, with attention to the emotional and psychosocial needs of these individuals and their families;

(2) the conduct of educational psychosocial and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including, but not limited to, demonstrating and exploring the use of American Indian languages and exposure to American Indian cultural traditions.

(3) the use of public television in meeting the special educational needs of such gifted and talented children;

(4) leadership programs designed to replicate programs for such children throughout the United States, including the dissemination of information derived from the demonstration projects conducted under this section; and

(5) appropriate research, evaluation, and related activities pertaining to the needs of such children and their families.

(c) The Secretary of Education shall facilitate the establishment of a national network of American Indian and Native Hawaiian Gifted and Talented Centers, and ensure that the information developed by these centers shall be readily available to the education community at large.

(d) In addition to any other amount authorized for such projects, there is authorized to be appropriated $3,000,000 for fiscal year 1988 and for each succeeding fiscal year through fiscal year 1993. Such sums shall remain available until expended.

TITLE IV—NAVAJO COMMUNITY COLLEGE

AMENDMENTS

SEC. 401. (a) Section 5(b)(1) of the Navajo Community College Act (25 U.S.C. 640c–1(b)(1)) is amended by deleting "administrative, academic, and operations and maintenance costs." and inserting in lieu thereof the following: "the following factors—

"(A) funds for the maintenance and operation of the college, including basic, special, developmental, vocational, technical, and special handicapped education costs, funds for annual capital expenditures, including equipment needs, minor

capital improvements and remodeling projects, physical plant maintenance and operation costs, and exceptions and supplemental need account, and costs associated with summer and special interest programs;

"(B) funds for major capital improvement costs, including internal capital outlay funds and capital improvement projects;

"(C) funds for mandatory payments, such as payments due on bonds, loans, notes, or lease purchases; and

"(D) funds to support supplemental student services, such as student housing, food service, and the provision of access to books and services.".

(b) Section 5(b)(2)(A) of such Act is amended to read as follows:

"(A) $5,820 per an Indian student count as determined by the Secretary in accordance with section 2(a)(7) of Public Law 98–192; or".

(c) Section 5(b)(2)(B) of such Act is amended by inserting immediately before the comma at the end thereof the following: "as determined under paragraph (b)(1)".

(d) Section 5(b)(2) of such Act is amended by deleting "less" and inserting in lieu thereof "more".

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Senator DASCHLE. The impetus for both these bills comes from certain actions by the BIA earlier this year when it made its annual budget recommendations to Congress. The most offensive proposal in that recommendation dealt with the contracting of public schools for the operation of all BIA schools.

I say "offensive" because the announcement was made without any regard to trust responsibility, without regard to laws that require consultation with Indian tribal leaders and Indian educators on major program changes and without regard to factual basis for assertions made about the quality of education in BIA-operated schools and without regard to what are the real educational needs of the Indian people.

Some might argue that these amendments are too strong a reaction to the current situation. Simply put, this bill freezes the status quo and makes some very serious requirements on consultation.

I am anxious to hear from all of those witnesses today about this particular proposal because in my view we have a lot of so-called initiatives coming out of the BIA and the Department of Education that clearly don't reflect the thinking of Indian educators who work with these programs on a daily basis or the thinking of parents of Indian children.

For example, not only did the BIA propose the contracting initiative, they are also proposing to charge tuition at Haskell, SIPI, and the Indian Iron Institute. They also want to mandate certain payback provisions for the higher education scholarship program which are totally inconsistent with the nature of the program and with other similar Federal programs.

It is the committee's belief that the BIA-operated schools offer an important alternative resource to the public school system for Indian children. As part of the trust responsibility, the overriding duty of the Federal Government is to deal fairly with the Indian people. We in Congress are becoming convinced that we may have to do the job alone, without the support or assistance of the assigned trustee of BIA.

I look forward to hearing from each of you as to how best we can do our job in Washington to increase educational opportunities for Indian people.

Before calling our first witness, I want to express my personal condolences to the family and friends of Stanley Redford, chairman of the College of Sinte Gleska. His death leaves a big gap. Under his stewardship, Sinte Gleska has become one of the truly outstanding Indian-controlled colleges in the Nation. He will be sorely missed.

Sinte Gleska is a college for which I have a great deal of personal interest, and for which I have taken a great deal of active interest and pursued a significant degree of support in a myriad of different ways. We do mourn his loss as we conduct this hearing this morning.

Our first witnesses will be a panel of educators from the Pine Ridge area. I would ask that they come to the panel right now. I will introduce them as each is asked to speak.

[Pause.]

Senator DASCHLE. Gentlemen, we are pleased that you are with us this morning. There is one microphone among you, and I would

like to have you pass that, if you would, from one to the other. We will go in the order that you are listed on the witness list, if that is OK.

Lowell Amiotte, Oglala Lakota College; Morris Twiss, the Shannon County Schools; Cy Yusten, Superintendent, Shannon County Schools; Tom Allen, Oglala Lakota College; and Dr. Jim Wilson, who is an educator here.

Lowell, we will begin with you.

STATEMENT OF LOWELL AMIOTTE, PRESIDENT, OGLALA LAKOTA COLLEGE

Mr. AMIOTTE. I am Lowell Amiotte. I am the president of the Oglala Lakota College, and on behalf of the board of trustees, students, and staff at our college I would like to thank you for coming to our reservation.

Before I start, I would like to give you a special thanks for the work you did on the tribally controlled community college bill and the work you did to help us look for funds for the OLC learning resource center.

I have some papers I would like to submit in writing. One is the OLC background statement which details the history, accomplishments, and potential of the college. The second is the fiscal year 1988 budget statement which gives background information on funding levels, construction, and endowment. And then some testimony on the OLC learning resource center construction, which goes into some of the problems we have had with construction.

We will be referring to these documents during my brief statements here. But before I do start, I would like to say that Oglala Lakota College supports the Senate resolution S. 1645 and the establishment of an American Indian and Native Hawaiian gifted and talented centers. Sinte Gleska College is mentioned in the bill for this program, and we certainly think that they are capable of handling this kind of center, and we look forward to working with them.

There are many areas to deal with during this testimony and there are a lot of people here to talk to us, so I will try to just keep my comments brief and more or less on the college.

The college was established under a resolution by the Oglala Sioux Tribe, but they have been given a lot of autonomy in the years. Now, the key to a lot of the success that the college has had has been in the autonomy that we have had. The Tribally Controlled Community College Act, which was passed in 1978 and was written by the American Indian Higher Consortium, has given us a lot of leeway in working and using the money as we see fit.

We feel that this is necessary to have a minimum of bureaucracy and to have the Bureau of Indian Affairs [BIA] administer the program and allow us to run the program as we see fit. Right now they do watch the budget. They have to monitor our reports. We have to submit an application, the budget. We have to submit proof of accreditation, and we are accredited through North Central Association. We have to submit enrollment figures and an annual report.

Now, the college works with the BIA, and in the past we have had trouble with them trying to cut funds, adding new rules, or delaying the improvements in the reauthorization of the legislation.

In the past, we have had our money come in on an FTE; that is, full-time-equivalency basis. In 1980 we had $3,100 per FTE. In 1984 that had dropped to $2,506. It increased only slightly since 1984; we are around $2,600 per FTE now.

In this proposed bill, $5,820, I believe, is proposed per FTE. If we could get funding at that level or maybe even a minimum written into the law that would say that our income would not go below $3,500 per year, we could do more planning on a more permanent basis and we would know that our funds would not be fluctuating up and down.

If the college could do that, then, and keep the economy and have language that would state that funding would not fall below a certain level, and if it did that a supplemental would automatically be authorized, colleges, not only ours but the other 20 in the Nation, would be in a lot better shape.

Now, it would seem that this same thing could apply to the bill currently under discussion and that the elementary and secondary schools in the Nation would also benefit from having a minimum and a maximum and could count on a higher level of funding. The State of South Dakota, which traditionally has been about last in educational funding, provides over $3,700 per FTE to their colleges. So you see we are really at a disadvantage when we try to run a college with a lot less than that.

We have had problems also with the way the payment schedule is set up. We currently get three payments, but in the past they have tried to put us on letters of credit or have us do vouchers. A college like ours which doesn't have a lot of money really needs that money in a bulk payment. If we were to go to vouchers or letters of credit, we would have a serious cash flow problem and it would hurt us very much. We would just ask you to try and watch that bill and make sure that during the year, during the legislative process, that we are not put on letters of credit or other types of payments. We want to keep the paperwork to a minimum and keep it in large installments.

Now, we have with us Tom Allen, who has been working with our indirect costs and with our endowment. I would like to go out of order just a little bit and turn this over to Mr. Tom Allen to talk on those few subjects.

[Prepared statement of Mr. Amiotte appears in the appendix.]

Senator DASCHLE Thank you, Lowell.

Tom, we will take your testimony.

I might say that because we do have a real full agenda this morning and early this afternoon, we are not going to take any breaks unless the Chair is called to Nature or something. But other than that, we will take all of our witnesses straight through. I would encourage everyone to keep their remarks to around 5 minutes so we can leave some time for questions as well.

Tom, please proceed.

STATEMENT OF TOM ALLEN, DIRECTOR OF DEVELOPMENT, OGLALA LAKOTA COLLEGE

Mr. ALLEN. All right. I will get to indirect costs as part of my remarks, I guess.

But first of all I would like to thank you, Senator Daschle, for coming to the reservation. I think that your efforts in submitting S. 1645 are a step in the right direction. I think S. 1645 has originated from the Association of Contract Tribal Schools, some of it, and it is based somewhat on the tribal college bill.

The key part that has made the tribal college bill so successful is that, as Lowell has said, it has cut a lot of the restrictions that contract schools, and even BIA schools even more, have to put up with. The Federal Government has a treaty and a moral and a legal and every other obligation to bring education, but they can also look at the effect on Indian education when Indian people are given money without added extra restrictions.

The college bill would submit an enrollment number. We get three payments. We have an audit. We have to be accredited. We feel that these restrictions are fine, and we don't mind meeting them. We feel that the colleges have proven successful because those are the only restrictions they have to meet. The bureau has not put on—although they have tried—layers and layers of other restrictions.

The contract schools at the elementary and secondary level, most of their administrators have to spend, I'd say, one-half to three-quarters of their time dealing with extra regulations that have nothing to do with running a school. The Bureau gets in even more trouble. I have a friend who is an agency superintendent for education who said that in her work or job description for the last 5 years the word education has never been mentioned. It is all dealing with restrictions.

I think S. 1645 is a step in the right direction in trying to remove some of these restrictions. If the Government can give millions of dollars to public schools through Public Law 874 with very few reports and restrictions, why can they not then give money to Indian people, whether it's through the Bureau or the contract schools, in the same manner—in other words, an audit, a report, enrollment figures, require that they be accredited either by the State or the tribe or the North Central Accrediting Association— but take away all the bureaucratic layers and accretions that accrue over the years?

We have had to deal with this in the sense of indirect costs. I know, in the House version of this bill, there is a formula for indirect costs under which some people who are going to lose some money are probably not too happy with. But something has to be done with indirect costs.

Three years ago the Bureau cut our indirect costs in half, and for 3 years we have been trying to get it to the level that it should be. We negotiate an indirect-cost agreement with the inspector general's office every year. That averages 18 to 20 percent. For the past 3 years we have been getting 9 to 10 percent from the Bureau because they made a rule in 1984 that they would give everybody their 1984 indirect costs.

They also had a little regulation in there that they would check and see if this 1984 cost was way out of line in terms of hurting anybody. They forgot to check ours, and we forgot to make sure they checked it. So as a result, we have lost about $150,000 over the last 3 years and have not been able to get it changed.

Now, construction is another issue, and since we have to keep this brief, I think the Pine Ridge High School is a good example of how a Bureau school or a contract school—I worked at Little Wound School and we were trying to get construction and it took us 10 years to build our school. In fact, Pine Ridge High School was designed before we started the Little Wound process. But something happened in Washington, and now the time I guess is not ripe for Bureau construction, and so Pine Ridge High School is having a heck of a time with a 57-year-old building and kids going to school in terrible conditions. They need the schools, but again people are looking at it in terms of saving money.

The college bill, 3 years ago—or, I guess, 5 years ago—had construction provisions put into it. However, the Bureau has not issued regulations or not made any effort to appropriate money for construction. They were supposed to have a study done within 18 months. That was 5 years ago. The study has still not been done. I don't think the Bureau has any intention of ever constructing any college buildings. We took the bull by the horns. We got some money from a foundation. We designed our own library. We got a statement from the superintendent of the Pine Ridge agency that there are no buildings available for a library. We did all this, and as you are aware, since you have helped us, Senator Daschle, we are trying to push the Bureau into getting us some construction.

I think the Bureau schools are hampered because they have Government people—and I think Dr. Jim Wilson will talk about this later—they cannot lobby for the money to construct a school. As a result, they are left to the whims of the bureaucrats in Washington.

So to keep it brief, I support these regulations. I think that the payment procedures and the indirect-cost formula should be put back in because contract schools at the elementary and secondary level are in the same boat as the college, and that is that if you are almost totally dependent on Federal money, the letter of credit system or the voucher system does not work. You need some money in the bank and by getting the payment at the beginning of the year and in the middle of the year and then maybe a final payment, then they can operate. They don't have to worry about cash flow, and they don't have to worry about how much money they are getting.

This is a serious problem. The restrictionss are a problem, but if you don't have money, you can't operate. So I would like to see that provision put back in S. 1645. Of course, the Government looks at it, "While they're gaining interest on it, we're losing money on it." But again, Indian schools are different, both elementary and secondary and colleges, from the public colleges and the public schools. They have State money to run on; they have State money in reserve. We do not have that.

So the payment provision is a key, and I would like to see that put into the Senate version.

There are other people who want to talk, so I thank you very much for your time.

Senator DASCHLE. Tom, thank you. I was just asking Sara Yeager about the current status of our requests for funds for the two facilities you mentioned. In spite of BIA opposition, the committee has requested of the Appropriations Committee this year $420,000 be made available for the initial stages of both planning and development of the high school and then $100,000 for the learning research center. So both of those things, as far as this committee goes, ought to be part of the appropriations process this year so that we can respond to the needs that you suggested. You very articulately addressed those needs, and I am hopeful that we will be able to give you a positive report on our progress at a later date this year.

Mr. ALLEN. Senator, one last comment.

Senator DASCHLE. Please.

Mr. ALLEN. Thank you very much for your help, and we really appreciate it. Also, somewhere we would like to see put in that the Bureau be directed that by at least fiscal year 1989 that they are ready to make a construction appropriation. Otherwise, it might go on for another 5 years. The tribal college bill was reauthorized in 1983. There are still no regulations out. That is 5 years. Thank you very much.

Senator DASCHLE. Your point is very well taken, and that is the reason why we have expressed urgency with regard to these requests to the committee. This is for the fiscal year 1988 appropriations.

Who is next, Lowell?

Mr. AMIOTTE. Maurice Twiss.

Senator DASCHLE. All right, Maurice, please proceed.

STATEMENT OF MAURICE TWISS, SHANNON COUNTY SCHOOLS

Mr. TWISS. Thank you. I appreciate the opportunity to take this time to address what I would say is the very specific issue of Title IV, Indian Education, Public Law 92-318. During the past years that title IV has been authorized, there are many great things happened on the reservations, curriculums been developed in education, curriculum including cultural support for the students, et cetera.

But one of the things that I want specifically to mention is the fact that all students are not served by title IV, and we would like to get some of those restraints off so that every Indian student can and will be served. The restraints are specifically the restrictions to serve the Bureau students and the parochial students. Now, we feel strongly that the law was directed or written with the intent of serving Native American students. However, because of the language in the legislation we cannot serve all Indian students on the Pine Ridge Reservation, and we would like to include all Indian students on the reservation.

If there is a method that can be devised to allow public schools to legally serve those students, we would like to work toward this goal. Thank you.

Senator DASCHLE. All right, who is next?

STATEMENT OF CY YUSTEN, SUPERINTENDENT, SHANNON COUNTY SCHOOLS

Mr. YUSTEN. My name is Cy Yusten. I am superintendent of the Shannon County School District. I would like to take this opportunity, Senator, on behalf of my school board and the rest of the staff and the students in our district, to thank you for the long and many times fruitful relationship we have had over the years, especially in the area of general funding for education under Public Law 81-874.

Hopefully, at some point in the future, under 815, we would see additional support for construction money in the 815 program, because for a school such as ours, there is no other way to deal with the construction and remodeling costs that we encounter.

That is one of the areas that we looked at every year and it is one of the areas that my colleagues in the Bureau and contract schools look at as well. I know I am speaking on behalf of all five of our board members when I encourage your support of whatever you might be able to do to help the contract and BIA schools, whether it's education funding or construction funding.

There are some inequities in funding in the local areas in terms of how much Federal money comes in for a contract school or a student in the school, and a student in the public school system. Those, I think, are things that can be addressed, and this appears to be one way to do that.

We would like especially to see the continued support of Public Law 81- 874. I know that Senator Pell has just recently introduced a reauthorization package into the Senate just this past week, that does represent our national association's position, and we support that wholeheartedly. We appreciate your continued support in the problems that we have had, and I know you are fully aware of those.

Just in closing I would like to follow up on what Maurice has said, that there are students out there who are not served by some of the projects because of the limitations on public school districts offering services in a Bureau school setting or parochial school setting. That ought to be allowed to continue, and it shouldn't be a major problem in order to set that up.

Aside from that, we appreciate your support in the past and look forward to that continuing in the future.

Senator DASCHLE. Thank you very much, Cy, for that articulate testimony.

I think we are down to Jim.

STATEMENT OF JIM WILSON, EDUCATOR

Mr. WILSON. Thank you, Senator Daschle. I am very glad that you could come out here after the attempts that have been made to schedule this. It is always good to have you back in our community, and we say thanks to Sara Yeager and Jane for the help that they have given in setting this up.

I also want to thank you for the opportunity to speak on behalf of myself and some of the students and parents and staff of both the Pine Ridge School and the Pine Ridge Reservation.

I regret that I have the strong feeling that we are dealing with a set of circumstances which contribute to our very serious problems in Indian education nationwide. I think that I can identify three factors that most of us are aware of and perhaps we haven't yet put together in the same group.

First, is that there has been a convergence of two factors. No. 1, is a series of bad policies by non-educators in the BIA. No. 2, a group of career bureaucrats without minds of their own, who are unable and unwilling to offer opinions, so that we have direction in the BIA that is not beneficial to Indian education.

Second, I think that the BIA has in the last few years made a complete mockery of self-determination by issuing orders from the top down, while on the one hand saying school boards, parents, and students should have a voice in the policies and the running of their schools.

Third, I think that we are suffering from an economy that has become more and more based on the scientific technology which is war-related. Unfortunately, this affects all rural areas and especially Indian reservations, where we have many isolation factors such as poor roads, distant locations, distance from railroad services, airport terminals, and other people- and product-moving systems.

I would like to mention a number of things related to the pending legislation and the action of your committee now. No. 1, is that I would like to followup on some of the mention that has been made of the Indian student equalization program formula. This has, regrettably, been a disaster. There must be revision of both the method of calculating and the procedures for distributing this money.

Tom Allen mentioned that the timing of the funding of this money makes it impossible for schools to be prepared for opening because we do not get the funds until late fall or Christmas or January. We are planning schools when sessions end in May or June. We should have a good fix on what is going to be happening on the first day of school in late August or early September.

Most Indian students enter school with two strikes against them in the first place. The first strike is that they are expected to mainstream in education immediately without any transition period. Many of us who have been raised in the rural areas of South Dakota feel this effect. When we go to city schools, we are considered to be country bumpkins. Add to that the fact that some of us have been raised on Indian reservations with a different cultural life style, and it is twice as bad there.

The second disadvantage or the second strike we have against us is that we have inadequate funding and inadequate facilities as if the Government said, "I am only going to give you 70 or 80 percent of an education. I am only going to give you 70 or 80 percent of an opportunity, and maybe later we will catch up with the rest of it."

Failure is cumulative in that it comes to be expected after failure after failure. Success is also cumulative because people who succeed often believe that they are going to succeed and continue to strive more often than a person who has failed often. That is often built into the education programs on Indian reservations.

I recommend that Congress establish a formula based on three factors for the ISEP program: First, it should be driven by the

needs of the local community based on their perception of where they want to go and what their school program is designed to do; second, there should be some comparability to the local area so that students do not choose between schools on the availability of programs and activities but rather on the quality of the education; and third, I think there ought to be a factor that considers the design capacity of a school, meaning that if you have a school that is built for 500 students or 600 students, there ought to be come formula provision for that school and its staff and its materials and equipment being in place so that a program can be offered before school starts, based on full staffing and supplies and equipment being available.

In terms of the ISEP formula, I strongly recommend that the funding cycle be changed to allow for this more efficient planning that we have been talking about.

The next item I would like to address is the facilities. I want to be very serious about a very humorous comment. I would describe the present system of facilities construction and maintenance as being right out of a Keystone Cops movie. For instance, the local B&U which is responsible for the maintenance of the buildings and utilities is not connected to the office of construction management which is not connected to the office of inspection which is not connected to the office of education which is not connected to the office of budget. This is a pattern that has been existing for a long time.

So I would alert you and the committee members to look at this very seriously. This system must be studied by Congress. It must be revised as soon as possible. Otherwise, we are doomed to continue this comedy, with local people running in circles asking questions and people in the Bureau pointing at one another saying, "That's not my job, man."

I would summarize that by saying at the present time there is no coherent system or plan for construction and maintenance other than what may exist within a particular department at a particular location.

Finally, I would like to address the need for long-term local planning. Long-term local planning is not provided for at the present time because of the funding cycle, the inadequate funding, the incoherent use of facilities and the lack of leadership in terms of representing the needs of education within the BIA.

I recommend that Congress enact provisions for educational planning assistance grants to be made directly to Indian tribes to help them develop long-range plans for their own education systems so that they can replace the present BIA system with some assurance that there will be improvements. There can be no improvement when education programs are dumped on tribes with inadequate facilities, inadequate funding, and definitely a lack of cooperativeness in carrying out the principles of self-determination.

I would like to cite as an example the efforts of a group of people on the Pine Ridge Reservation who have been working for over 1 year now in the development of an Oglala-Oyate education plan which promises to lead us to the point in the future where the Oglala Tribe will have an education administration system which will bring to our systems of schools—and I say systems because we

have several—some cooperative efforts and cooperative planning and, hopefully, some form of uniformity in terms of the educational opportunities that we should be offering all of our students, not some here, some there, and some in other places.

Finally, I would like to say that in spite of all of these problems, the members of the Oglala Sioux Tribe has survived for hundreds of years in stressful situations, as witnessed by the longest legal case in history of the battle over the Black Hills. Although that is not the point of discussion, I cite that as an example of how we have struggled and will continue to struggle for our own education.

I thank you very much.

Senator DASCHLE. Jim, thank you very much for that testimony.

I think your points about facilities and facility construction is very well taken. I just asked Virginia Boylan when the last time was when the committee actually investigated that whole process. She said it's been a long, long time, if ever, at least in recent years.

As a result, I am going to ask the chairman if he will authorize a hearing on that particular issue alone. I would like to be very much involved as we conduct those hearings because it is just as you say, it's a disaster. It is no wonder we have the inequities and we have the encumbrances, and ultimately we have the lack of success that exists today in that whole area. So I appreciate your tenacity in this area, and I certainly hope that we can address it a lot more successfully, at least as far as this committee goes.

This may be a question that can't be answered by the panel, but I would be interested in knowing if there is any data that will be submitted that will give me a better understanding of the equivalency between contract schools and BIA schools on a per-student basis today.

Mr. WILSON. One year ago the House asked for a study by the BIA in relation to section 1128(a), which was a comparability study, and that was to be produced by February 1, 1987. Speaking with Allen Lunstein not too long ago, I was told that that has never been produced. I cite this just as another example of the Bureau failing to carry out congressional mandates.

I also mention that if the Bureau can fail to carry out congressional mandates, then what are we going to do at the local level when we are asking for some kind of assistance in a much needed area?

VOICE. Didn't the Bureau claim that that Gould report was their response to the Administration?

Mr. WILSON. As an example of our tenacity at Pine Ridge, SD, when the Gould report came out, Bennett Sierra of the Pine Ridge School Board and myself went directly to New York City and met with the president of the Gould Foundation and the person who wrote the report, Walter Geyer. We were told by both of those two gentlemen that that was not intended to be the basis for anything other than a field report, a field trip at which Walter Geyer asked the BIA employees, line officers, what they would do if they had the money and authority to make improvements in the BIA. So most of those negative citations were by Bureau employees.

Senator DASCHLE. Well, as you say, it really makes a mockery of the whole process whereby Congress enacts legislation requesting, in fact, requiring certain information, and it is ignored. That kind

of mockery of the law is just reprehensible and unacceptable, and we are going to see one way or another that that report and that information is produced.

The answer to your question then is that no reasonable or no recent data exists to determine the comparability between the contract schools and BIA schools at this time or, for that matter, public schools.

Let me ask another question relating to the efficacy of schools as they can be tested. What data exists today with regard to the ability students acquire after a certain number of years in any one of the three schools and how they test out? Is testing data available at this time?

Cy, you're nodding yes.

Mr. YUSTEN. At least in the public school system it is, because South Dakota has a mandated public standardized testing program. It would be grades 4, 8, and 11. So the State can give you some statistical data on that for the State itself.

Senator DASCHLE. But that is only on public schools, is that right?

Mr. YUSTEN. Yes; that's for public schools. I am not aware of any formal testing program that is mandated by any of the systems for either BIA or contract schools. Unfortunately, the BIA and contract schools, in standardized testing as well as a lot of other areas, are left to their own devices, and no one has ever seen fit to require that there be some kind of follow-up on that unless it is initiated by the local school at the local level. I know that happens, but it's not a standardized format.

Senator DASCHLE. So what you are saying is that there isn't a standardized means by which one can determine the productivity, the ultimate success of the three schools systems as they compare and contrast with one another. Is that it, Jim?

Mr. WILSON. The BIA has an extensive testing program, but regrettably it does not have knowledgeable people to use the results of those tests. I would say that on the average Indian students in schools across the country begin school at a very comparable level with other students in public and parochial schools and as time goes on there is a gradual widening of the gap. This has been attributed in some cases to the so-called Indian cultural phenomenon, which indicates that at some time around the fourth or fifth grade Indian students begin to recognize cultural and social differences and begin to withdraw from the system. I don't know if that's true or not, but I have heard this.

However, the problem that I want to address in response to your question is that there are testing programs galore in the BIA, but we have no one who is doing anything in terms of establishing norms in age group or grade levels so that we can determine whether or not our students are learning at an adequate rate.

I think that the one thing that I would say about testing is that as long as testing is done the way it is done at the local school level, we are going to have problems with the reliability and the validity of the testing until we can come to some point where testing is taken seriously by the Bureau itself in terms of mandating that this testing be done by prepared and specially trained test-

givers, that the environment in which the individual test taken does not help it become reliable or valid.

Senator DASCHLE. So what you are saying is that there is, first of all, within the BIA no accurate method by which to measure progress because of just the myriad of different elements to all this, none of which is measured against some well-established norms, but then not only is that the issue but once that has been established, there is nothing to measure BIA schools against public schools against contract schools.

It would seem to me that it would stand to reason and it would be a very good thing first for us to be able to measure that internally within the BIA, but would it not also be a good thing to be able to measure productivity or ultimate efficacy among BIA schools as well as they compare to public schools?

Mr. WILSON. Yes; that's true. I would like to mention that in the past 2 years the Pine Ridge School, because of the testing program, we were able to identify a large percentage of the student body who had needs for—for specific exercises. We demonstrated that chapter I is a very sound program, a very successful program. But more than that, the underlying reason for that success is that the students have the basic ability in the first place, it's just that they were having difficulties before.

So I give you an example of how the students felt about it. We had a parent advisory committee gathering. A number of the students came. I asked three questions. I said, "What happens if you don't feel well, you have a headache, or you think that you might be ill?" We had several answers: "You see a nurse." "You tell your mother." "You go to the doctor or you go to the hospital."

"What happens if you have car trouble and your car is not running?" They said, "Well, you see a mechanic or you take it to the garage."

The third question was, "What happens if you have an educational problem?" In unison they said, "chapter 1." [Laughter.]

Senator DASCHLE. Well, I appreciate the excellent testimony received here.

If I could just ask one or each of you a two-part question just in summary. No. 1, are you better or worse off than you were 5 years ago? No. 2, regardless of how you answer that, what do you think is the most hopeful sign as we look to the Indian situation today?

Mr. WILSON. I think that we are not as well off in a number of ways. The economy in particular has affected too much of what we are doing for us to say that it would be otherwise.

The second thing is that I see the most hopeful part of this is that our people are strong, our students are strong, and that they are surviving in spite of the system. I can just go way out in using my imagination as to what could happen if we had adequate funding, good planning, and adequate facilities.

Mr. ALLEN. My response? My response would be that the first part, I think we are worse off financially in the near future than we were a few years ago. I do think there is some academic and also some parental input and involvement that seems to be much more positive than 5 years ago.

Senator DASCHLE. Cy.

Mr. YUSTEN. There is no question that 5 years ago we had more financial resources available to us and we could do more things. In fact, our district is really having to strap everything down and get down to the real basics at this point. Unfortunately, that is the story of every school district in the State right now.

So, I would say in answer to the first question, we are undoubtedly in a worse position than we had been, at least economically speaking. Educationally speaking, I think we are a lot better than we were 5 years ago. Our programs are much more organized. We have a greater semblance of organized educational processes throughout the entire district than we had 5 years ago. But a lot of that has happened internally, by what we have done here, and I think our staff can take the credit for that.

The greatest and most positive aspect of the future— and being a die-hard optimist, I have to say that no matter how bad times will get, we will find a way to improve upon what we have at the moment and to make the best of what we have—I think that we will see some good things happen in education in the future, this year or 5 years from now.

Senator DASCHLE. Thank you, Cy.

Tom.

Mr. ALLEN. I can't answer better or worse than 5 years ago. Sometimes I look and I think things are better, and then other times I think they're worse. I guess maybe because I get too involved and see some of the things that are happening. I think the possibility of getting better is happening because more people are getting educated and the schools are turning out more graduates. I think the foolishness of the argument over BIA or contract or public is that no matter which system there is, if they are serving a need and more kids are graduating, then we should look at that. Unfortunately, the Bureau does not look at it that way. They look at trying to save money and Ross Swimmer says let's turn the schools over to the public schools, they do a better job.

They put out a study supposedly showing that, except that any study you do—and I was on a major Government study 12 years ago called the ACKCO study and the results were written before the study was done—I mean, in Washington. We didn't go along with it, and as a result they didn't want to publish the study.

But Little Wound School is a good example. Twenty years ago 90 percent of the kids dropped out of high school because it was 50 miles to Pine Ridge High School, et cetera, et cetera. Now, Little Wound School has 53 graduates a year, as does Pine Ridge and as does Holy Rosary. I feel that the more kids we're graduating, the better. Again, there is an economic factor, but I don't think money is being thrown away, and if some of the restrictions were taken off, each system could run economically.

One last thing. My daughter just graduated. This is a hopeful thing. She just graduated from Little Wound School this spring. The thing that makes me hopeful is she went to Little Wound School for 17 years—or for 13 years of her life, I guess. She's 17 years old. She started school when she was 6 weeks old in the parent-child center; then she went to Head Start. Then she went to Little Wound School, and it was a Bureau school for about 7 years of her school career, and then it was a contract school for 4 years

of her school career. I think she turned out OK. Nothing to do with her dad, that's for sure.Today she enrolled at Oglala Lakota College.

So I feel that the schools are doing OK, and I know a lot of other kids, nephews and nieces and friends, who are coming out. Also, I think another hopeful thing—to give a plug for the college and John Steele, our board chairman, will talk later—all the students coming out of college now are like a yeast and a whole level of the reservation is rising. They will be parents, they will be teachers.

We are planning an Oglala 2020 seminar this fall to see what the reservation might look like 30 years from now, and the kids that are in school now and are just graduating will be running things then. I think, although I think some of the old people have done a good job, as Jim says, of preserving things, I think the young kids and graduates now will do a better job. Thank you.

Senator DASCHLE. Thank you, Tom.

This has been an excellent panel, and I want to thank all of you for your contribution today and for your willingness to answer the questions you have. Thank you.

We will now welcome our next panel of witnesses and welcome each of them. I only hesitate because I had more names on my list than I do people at the table.

Orville Running Shield, is he here?

OK, Orville.

Karen White Butterfly is coming, I am told. Betty is here. Dennis King isn't here. Bill Pourier is here. Roger is here. Scott American Horse isn't here. Randy Plume is here. All right.

Well, let's begin with Orville.

STATEMENT OF ORVILLE RUNNING SHIELD, DIRECTOR, TRIBAL EDUCATION DEPARTMENT

Mr. RUNNING SHIELD. On behalf of the Department of Education for the Oglala Sioux Tribe, I would like to extend our thank you for being here to hear our testimony from each of the program directors of the Oglala Sioux Tribe.

Of course, anything that I do say here is going to require that most all the other programs are looking for excess funding, and I think what the tribes within South Dakota, which are nine, the Oglala Sioux Tribe is the only one to have improved education. I am considering that as a vehicle to the Department of Education being developed or even sanctioned by the tribe to be departmentalized. So it would be much more organized within the goals of the Department of Education.

One thing we have heard much about which is partly within the planning stage is the certification of teachers and administrators. The code of legislation is pretty much in line with what the State has on their code. But we put more emphasis on culture, having to do with the heritage. We try to have that as part of the standards, and even that, you know, we need to get a certification office started. Again, you know, we need seed money to even begin planning within that direction.

At this point we are going to be visiting Pierre, the State capital in order to visit the elementary and secondary offices in Pierre,

and begin the whole process of coming out with the forms that we could use to certify the teachers. That is one of our major goals in the part of education is control, to get control of our education. The meaning of that is to come up with our own curriculum that the students can use beginning from K through 12.

So this code was passed by the tribe in 1982, and it's really slow in getting it worked out. We've got the administration pretty much together, but it needs to be sanctioned by the tribe, as I said before, and we do need funding to get our certification office started.

The Department of Education is—by the HEW committee of the Oglala Sioux Tribe was to monitor the education progress. The rest of the panel here is pretty much all those directors that will be monitored by this office until we get it departmentalized, and then we will be more responsible for their directors and the programs.

Senator DASCHLE. All right, Orville. Are you finished?

Mr. RUNNING SHIELD. I can pass it on.

Senator DASCHLE. I'm sorry, were you finished?

Mr. RUNNING SHIELD. I am finished now.

Senator DASCHLE. OK.

Mr. RUNNING SHIELD. I was just going to introduce them.

Senator DASCHLE. Oh. Very good. I wasn't clear. Go ahead.

Mr. RUNNING SHIELD. Sitting next to me is Betty Tapio, who is the director for the Home Start Program, which was made from the Johnson-O'Malley Program and is kind of a project by itself. I would like to turn it over to Betty.

Senator DASCHLE. Betty, welcome. Please proceed.

STATEMENT OF BETTY TAPIO, DIRECTOR OF HOME START

Ms. TAPIO. Thank you. First of all, I am the education director for the Oglala Sioux Tribe Home Start Program, a program that has been in operation since June 1981.

Maybe I should explain briefly to you what is the Home Start Program. It's a preschool program which responds to parents' needs and desires for assistance and support in their role as child development specialists and in helping them work toward their goals and objectives for the children.

It is designated to introduce new and different kinds of educational experiences that will give parents added knowledge and understanding about children's everyday learning. It provides parents opportunity to become influential educators of their own children. It provides parents the opportunity to explore the needs of their children and develop ways of meeting their needs.

I could go on and on as to what the Home Start Program does, but I will make it as brief as possible. The Home Start Program, as Orville explained, is directly under his education department. It involves 3-to-5-year-old children reservationwide. At the present I have 1,096 children that are in the program, and this does not include Head Start children. It's children that were not able to be served by Head Start.

The program basically is one of the better programs because it's going into the homes and working with the children on a day-to-day basis.

But we do have our problems, just like anything else. Our funding is not what it could be. Therefore, we have a hard time keeping staff because there are so many miles involved reservationwide and during the winter we have wear and tear on the cars. We can't get to the homes for the children and we are in need of more money, I would say, to operate the program as it should be.

In closing, I would say that I enjoy the program, but we need to have more money to operate on. As far as reports, all of my reports to go my supervisor Bill Pourier and to Orville Running Shield and to the ATW committee, who is my overall director.

That is about all I have to say, except I want to stress the way that the children are evaluated as to what they need to learn. The preschool program is beneficial to the reservation as it gives us a chance to identify handicapped children and three-to-five-year-olds in the program Oglala. We must know what the child knows and does not know. This is called assessing their strengths and weaknesses. This is done through screening tests, developmental individuals for assessment of learning.

After this test is given, then we are directed to assist in improving the strengths and weaknesses of each child, to train individuals, which is the teachers that go into the home and are always available in different activities. It is hoped that this will help the individual child to reach the potential at the various stages. Thank you.

Senator DASCHLE. Thank you, Betty.

Who is next? Bill?

STATEMENT OF BILL POURIER, DIRECTOR OF JOHNSON O'MALLEY

Mr. POURIER On behalf of the Johnson O'Malley, I would like to welcome you, Senator Tom Daschle, and your colleagues. I would like to go over a few things regarding the Johnson O'Malley Program [JOM]. I have some points of concern.

First of all, the Johnson O'Malley Program is a supplemental education program that provides professional, unique educational needs for Indian children in our public school system. At present we have 4,175 students that we serve, and our budget, based on student count, which is $95 per student, that is extremely low compared to other States such as Alaska. I believe New York and others are higher right now, but I will submit it in written testimony.

The points of concern I have right now in this, I would like to make sure that the improvements in the act be in existence. Funding levels should be fair and equitable, and tribes should have input into policies that are handed down from Washington. In my opinion, these policies are inconsistent and they do dictate. The policy memos also need to be more consistent.

Something should be written to distinguish the JOM Program from the title IV program of the Department of Education. The program should be allowed for students in BIA contract schools. Presently, we serve students in the public school system, as I said earlier.

Again, I believe tribes need input into the design of JOM within the parameters of the JOM act and the statutes. As it stands now, we don't have much input at all within the program designed and the handbook and whatever is handed down. I believe that financial regulations of CFR part 25 should be consistent with JOM regulations. Sometimes there is some confusion there as to what we can spend our money on and what we can't.

Those are my concerns right now. I thank you very much for your time.

Senator DASCHLE. Thank you, Bill.

Mr. POURIER I will turn it over to Roger Iron Cloud.

STATEMENT OF ROGER IRON CLOUD, DIRECTOR OF HEAD START

Mr. IRON CLOUD. Senator Daschle, members of the committee, I want to thank you for allowing us this opportunity to speak to you today. I guess before I start, I am the director of the Oglala Sioux Tribe childhood component, and we do not have a lot of impact with regard to the bill for higher education or secondary or elementary education, but we do have some concerns that we would like to convey to this committee.

Specifically, the mission of the Oglala Sioux Tribe childhood component is to provide preschool services to 358 children through our 18 Head Start centers and to 100 pregnant women, infants, and toddlers through our five parent-child centers throughout the reservation.

The total number of preschool-age children on the reservation is roughly at 2,000. The number is 2,000. We are providing services to one-fourth of that number. Although preschool services are not directly mentioned in the proposed legislation and the amendments to the Indian education bill, we feel that greater consideration by the Senate Select Committee on Indian Affairs as well as the Congress should be given to preschool services as regards to contract schools.

It is our position that the Oglala Sioux Tribe childhood component is the primary feeder system to the reservation elementary and secondary school system, and favorable consideration should be given to the provision of funding to address our concerns.

A partial listing of the services provided to preschool children are: education skills, socialization skills, health services, developmental testing and evaluation, nutrition services, special needs, our handicapped services, mainstreaming, and transition to elementary schools. This does not include the various services that we provide to parents, the social service-related opportunities, job placement skills and various other things that we do provide.

Of particular concern to the OST childhood component is the fact that very little services are provided by the BIA and contract schools, the only exception being the recent provisions that were provided in Public Law 99-457, the Education to the Handicapped Act, with the recent allocation of funds to what extent we don't know yet.

We have identified in excess of $150,000 needed for special needs of preschool children on the reservation. There is a great need for occupational therapy, physical therapy, a lot of other special needs,

psychiatric followups and evaluations, a lot of needs that are not addressed and can't be provided by the BIA or by the Indian Health Service [IHS].

Particularly, we reported before this committee to look at the possibility of providing increased allocations that would provide for a nurse—in fact, several nurses. Not only within the schools, elementary and secondary, but within the preschool systems we need additional nurses. On our reservations, 30 percent of our pregnancies are teenage pregnancies. We have one of the highest infant mortality rates in the country.

Another great concern that we would like to ask for consideration of is transportation services. Although we are funded through the Head Start appropriations act, there are no provisions for transportation, and this is a very critical need on our reservation. We cover 4,500 square miles, and as mentioned, we have a total of 23 centers, and you heard testimony previously that the roads, the distances, the conditions of the roads, in fact, if you came on some of the roads, it would well attest to the fact that some of them aren't in the best of shape. These all have a terrible impact upon our transportation system.

These are some of the things that we would ask you to consider, and we will be developing testimony for submittal later on. We do thank you.

[Information to be supplied appears in the appendix.]

SenatorDASCHLE.Thank you very much, Roger.

Who is next? Karen White Butterfly?

STATEMENT OF KAREN WHITE BUTTERFLY, ACTING DIRECTOR FOR HIGHER EDUCATION

Ms. WHITE BUTTERFLY. I am Karen. I am presently the acting director of the higher education program. This year we got 600 applications, and out of this 600, 300 are first-year students, freshmen. I processed the seniors' and juniors' applications. Today I will be starting the sophomores', and hopefully by the end of the week we will finish all the applicants.

For this year, the budget we have for higher education is $579,000. Just a couple of weeks ago I made a $250,000 drawdown to fund the fall students.

One thing I would like to mention is that on our budget, the indirect cost is very high. We need more money to fund more students.

Senator DASCHLE. Thank you, Karen.

Perhaps what we could do is submit those specific statistics for the record. Could you prepare those for us?

Ms. WHITE BUTTERFLY. I can.

Senator DASCHLE. That would be very helpful if you could do that.

Ms. WHITE BUTTERFLY. Yes; after I finish the funding, after I process all the applications.

Senator DASCHLE. Why don't we do that?

Ms. WHITE BUTTERFLY. Yes.

Senator DASCHLE. If you could submit that for our files, I would be grateful to you.

Ms. WHITE BUTTERFLY. Yes; and I can have last year's, too.

Senator DASCHLE. Good.

Ms. WHITE BUTTERFLY. Because I am presently working on the annual report as I go along.

Senator DASCHLE. OK. Thank you very much, Karen, for your testimony.

[Information to be supplied appears in the appendix.]

Senator DASCHLE. We have two members left to testify on this panel, I think, Scotty and Dennis. Bill has already testified. Dennis and Scotty are left.

STATEMENT OF DENNIS KING, DIRECTOR, JOB TRAINING PARTNERSHIP ACT PROGRAM

Mr. KING. My name is Dennis King, and I am the JTPA director for the Oglala Sioux Tribe at Pine Ridge. I want to talk a little about the program here. JTPA is formerly the CETA program, as you are probably aware. In my program what we do is train people, adults, for vocational-type training courses, a training program. We are not an employment agency. Because of the situation here on the reservation, sometimes we overlook the training part and it's just used mainly for employment. The training portion is there, and they are being trained, but one of the things we need here, Mr. Daschle, is businesses so we can start working.

Everybody in the reservation life depends on JTPA. We are the Bandaid for every type of ailment as far as jobs goes.

As far as craftsman training goes, we also assist in that. We do have craftsman training program. We work hand in hand with the Oglala Lakota College for that.

One of our main concerns is that the funding level for the JTPA program. I am pretty sure you probably be able to have anything to do with it. I just want to read you some figures here:

The 1984 program, SYP program, we have over $400,328 for our summer program. Since then with budget cuts and whatever, that dwindled down to $202,793 for this year. That is a lot of money. We lost $280,535 since I took over.

We do have a lot of students, a lot of kids going back in school, and this is their main bread and butter. This is what they use to earn money to go back to school and whatever.

I know you would probably have a hard time getting some money for us, but if you can look, I will provide some of these figures to you, too, also so you can look at them. You know, I am asking for money for our program for the tribe to also; we'd sure appreciate it. I know we go by the 1980 census, which I know nationwide the Indian tribes were hit pretty hard. I think some Indian tribes even lost 50 percent of their funding level because of the census. Hopefully, we will make that up by this 1990 census that is coming up.

Like I said, my job training program provides employment in all nine districts of this reservation. We do a number of training programs like training police officers for public safety, entry-level positions, janitorial, secretarial position 2s, and various other jobs that the tribe might need help in.

As far as the JTPA goes, our funding level for the adult program dropped, too. We lost $500,000 in that. I think that hopefully this 1990 census will bring that back to where we were.

But the hold-harmless which was put into effect by the Department of Labor ran out last year. So hopefully, our funding level for this next coming year will remain the same.

One of the things I would like to stress here, which most of my colleagues talked to you about earlier, is for us to more or less control more of our own programs down here and not have Washington dictating, like the Department of Labor telling us one story and then backing down and saying, "Yes, that's OK, you can do it again. Do it this way, though, this time," and they really don't—the communications problem is there and we really don't know who to turn to when something like this happens.

But I want to thank you for coming down and listening to our testimony here, and on my facts and figures here that I just quoted here, about the money for the JTPA program and the cuts—I can provide you with those statistics later on in the day. But like I say, the JTPA is a training program and we work hand in hand with every organization here.

Senator DASCHLE. Thank you very much, Dennis.

The last witness is Randy Plume. We would encourage you to testify, and we will take your testimony at this point.

STATEMENT OF RANDY PLUME, PRINCIPAL, WOUNDED KNEE SCHOOL

Mr. PLUME. Thank you, Senator. Thank you for letting me move up on the agenda, too.

I would like to preface my remarks in relation to this proposed legislation and the panel that is preceding this one and those that will follow us. I really believe that education is the investment in the future of this reservation and for all Indian people across this country, and I think if we take a hard look at some of these things right now we can talk about what will happen in the future between the relationships of the tribes and the State and the tribes and non-Indian people.

I am the principal of Wounded Knee District School. The Wounded Knee District School is a former BIA school which is now operated under contract through the authority of Public Law 93-638. This contract has been in effect since November of 1985. The local control of the Wounded Knee District School is an important factor in the social development of the Wounded Knee District. The proposed amendments can and should consider some of the following information:

The Wounded Knee District School is a 100-percent chapter I school, which means that more than 70 percent of the students are achieving below grade level in mathematics, language arts, and reading. This is a culmination of years of administration by the BIA.

Parental involvement is now on the rise. The Wounded Knee District School now has parent communities in chapter I title IV and parent-teacher association. The school board is in a stabilizing process and still needs more training. The community needs education as it relates to the school. This is due to years of passive discouragement of community involvement by the BIA.

The people of the Wounded Knee District need to be involved and the school needs to be adequately funded and administered on the basis that will allow the school to plan and implement an academic program that adequately provides for the needs of the students in the community.

The Wounded Knee District School Board supports efforts of the Senate in the administration of Public Law 93-638 schools in a more realistic nature. The proposed legislation greatly reduces the administrative process and properly places the comparability with the schools.

This legislation should be more definite as to the role of the BIA in relationship to contract schools. The contract schools need to be free from Federal regulations that impede operations and contract restrictions, and Public Law 93-638 contracts need to be restructured so that the contract schools are not placed in the position that requires assuming support responsibility while absolving the BIA of this critical area. The BIA needs to be held accountable for timely and adequate support services without putting the onus of responsibility on the contract schools.

In terms of funding, contract schools need to be forward-funded. Without a doubt, this process needs implementation. Public schools' budget year begins July 1 of any given year. This allows for adequate planning and organizing an effective school year. The Federal funding process needs review so as to eliminate the carryover phenomenon, which is wasteful and causes schools to operate without proper planning and creates a situation where schools are forced to spend it or lose it.

Contract schools needs to be able to build reserve funds, need to be able to invest these funds as a resource for implementing programs on an immediate or long-term basis.

The inadequacy of funds is a key point. South Dakota's teachers' salaries on average are the lowest in the Nation. This average is approximately $18,500. The salaries of the Wounded Knee district school teachers averages approximately $15,600. The Wounded Knee District School was unable to attract or retain a librarian for the 1986-87 school year, which has jeopardized the school's accreditation.

There is an inadequate supply of Indian teachers. Non-Indians are not attracted to schools with low-salary schedules. The teachers' salaries for these schools need to be established based upon the national average for teachers. Consideration for this suggestion must be taken by the BIA in its annual budget request and must be considered by the U.S. Congress in its appropriation for BIA education.

Under the current funding levels, BIA and contract schools receive approximately $2,150 per student. The State of South Dakota per-pupil expenditure averages approximately $3,700.

On to another point, I really resent comparing schools. I think it's unfair. The Bureau has heard that before, and that will be addressed later by another presenter.

I don't think that public schools in this country are in a position to adequately defend themselves in relation to their academic achievement. This has been pointed out time and time again. "A Nation at Risk" was a good example.

Studies of Indian education are one-sided. It always points to academic achievement. It never points to who is at fault for this achievement. I think blame should be placed somewhere and that people should take a look at that. But BIA doesn't need to simply step out of the picture and say we can't do it, let's let somebody else do it besides Indian people.

There is no question that education is a humanist venture and that the quality of education is directly correlated to the quality of life. The education of Indian people by the BIA has historically been ridden with problems that range from philosophies, delivery systems, paternalism, and rules and regulations. Inherently, though the problem has been the BIA who has also seen good times and bad times, yet remains as an unwitting obstacle to the true self-determination of the Indian people. The BIA has caused the psychological dependence of Indian people from which a negative social and legal bond has developed. The management of Indian affairs for the purpose of improving quality of life needs to be the responsibility of the Indian tribes.

I would like to suggest to you that the Oglala Sioux Tribe be considered for a pilot demonstration project not to exceed 5 years for the funding of its BIA and BIA contract schools. I would like to suggest that the Oglala Sioux Tribe, as you have heard already, has a department of education which has been developing the Oglala Sioux Tribe code of education. This department, in cooperation and coordination with the Oglala Sioux Tribe, will be responsible for the determination of the educational needs of its schools. This department would also assume and assure compliance with Federal, State, and/or regional accreditation standards.

This program would place directly a relationship, a true Federal-tribal Goverment relationship, were we can operate our own schools and deliver our own moneys in a timely fashion that would satisfy all of our needs. On this reservation there exists, as you heard before, an organization known as the Oglala Seventh Generation. The Seventh Generation is the generation that has come out of the Wounded Knee massacre. We firmly believe that we can handle our own affairs. We firmly believe that we can take this into our own hands. And we firmly believe that through doing it ourselves, we achieve self-determination. We can't have people doing this for us anymore.

On behalf of that organization and our school, I would also like to address some other things.

Senator DASCHLE. Randy, we are going to have to stop. We have a lot of people to testify. Your testimony has been excellent and very articulate. Maybe if you could summarize the last couple of points you want to make.

Mr. PLUME. OK. In summary, I was just getting down to sports and title IV. The 506 forms need to be addressed. I think that was mentioned before. There are some issues that need to be addressed there. Consideration for reservation-based schools. A hard look needs to be taken at State-recognized tribes versus Federally recognized tribes.

I will finish right there.

Senator DASCHLE. Thank you, Randy, very much for your excellent testimony.

It is my opinion that the absolute and complete jurisdiction with regard to the administration and ultimate decisionmaking for schools ought to lie within the educational system here. If you were willing to take all of the responsibility for administration and ultimate goal-setting for education, do you believe that you also have the opportunity and responsibility to take complete responsibility for funding; in other words, coming up with the funds necessary to run it?

Mr. PLUME. Does the tribe have the resources?

Senator DASCHLE. Right.

Mr. PLUME. No.

Senator DASCHLE. Well, then, what would you tell a skeptical American, an American taxpayer who pays funds in to Washington and then says, "I want to be sure that the funds that I pay into Washington in the form of taxes can be held accountable, that I want to know where the money is going as it's dispensed"? What would you tell that skeptical taxpayer?

Mr. PLUME. Senator, I am a skeptical taxpayer, and I think a lot of that money that does go into the Treasury shouldn't be spent so much on defense. I think that you've seen that already, based on treaties, treaty obligations—I would also tell that skeptical taxpayer that if Indian tribes ever can get away from what they're in, this position, social-economic position that they have right now where people have the tendency to look at the Indian people and say, "You're lazy. You're drunk," they do this, they do that, we can never do it as long as this system exists the way it is today, as long as people keep doing for us instead of letting us do for ourselves.

Senator DASCHLE. But that's what you're saying, in terms of funding, you want to do that for yourself as well ultimately?

Mr. PLUME. Ultimately, we can. We don't have a tax base. When Swimmer's proposal came across, I called the attorney general and I asked him about that, has anybody discussed this with him. He said no. He said, "And it won't leave my desk unless there is a tax base for it," which means our land.

Senator DASCHLE. I think the BIA has overresponded to this need for accountability in terms of trying to do things for you, and that is really where I see this whole debate right now with regard to S. 1645: how much autonomy can you acquire and ultimately demonstrate the need for. That is what we are really talking about here.

But I also think that just as we want accountability for defense spending—and there is no stronger advocate for accountability in defense spending than this particular individual—I think there has to be some accountability nationwide. Where does one draw the line between complete dependence with regard to administration, complete involvement by the BIA in your affairs, and complete autonomy when the dollars come from Washington? There has got to be some balance there.

Mr. PLUME. The tribe, I am sure, would be very accountable for those dollars.

Senator DASCHLE. Let me ask you another question with regard to a clarification on what you said about testing. Do you oppose a criterion by which we judge the efficacy of one school system against another one? In other words, is there a way in your mind that one ought to be able to judge how well a student is being edu-

cated in a public school versus a private school versus a contract school versus a BIA school? Should there be come measure of comparison to ensure that from a national perspective all students are getting the same opportunity?

Mr. PLUME. I would say maybe 15 years down the line I would say that I would be very much in favor of that. But I think there are more things to judge right now. The average public school has been operating maybe 50, 60 years, and they have had a long time to develop their system and to make sure that they have a well-organized and efficient system running. We don't have that at our BIA schools yet, and our contract schools are new at the game. I think there is more to judge, I think, in terms of overall community involvement, operations of schools and things like that. I think those are things that should be judged, too, not just the performance of the kids.

Senator DASCHLE. But if those things are judged, judging the performance of the kids is not necessarily an adverse thing, is it?

Mr. PLUME. That is not the only criterion by which a school should be judged.

Senator DASCHLE. I certainly wouldn't suggest that. But if we are to measure progress, if we are to measure some success, some measure of success as it relates to some point in time, wouldn't it be better now to say, "Here is where we are today. We hope to be here 10 years from now, here 15 years from now," but measuring that in some way as one of many criteria—the point you have made very well? That seems to me to be a very relevant goal, very important goal.

Mr. PLUME. I am not opposed to longitudinal studies in all of our schools. At one point or another, you know, we do do standardized tests and we can measure effectiveness in a lot of ways.

Our school, for example, through utilizing—in terms of student attendance—utilizing the title IV program, improved on an 82-percent ADM to a 90-percent ADM in 1 year.

Senator DASCHLE. ADM is what?

Mr. PLUME. Average daily membership.

Senator DASCHLE. Well, we are running way behind. I mean, I could go on because I find this very intriguing, very helpful to me, and as we make the record for S. 1645, really what we are beginning to do is build the record for some other things as well. I appreciate your testimony and that of all the members of this panel. Thank you very much.

We will take our third panel now from Rosebud, the Rosebud education directors. We will call upon them.

STATEMENT OF THE ROSEBUD EDUCATION DIRECTORS

VOICE. It's my pleasure to speak in place of Richard Bordeaux, in case you have it down there on the list, and Mr. Prine, St. Francis Indian School; Frank LaPointe, from the tribal council, St. Francis Indian School; and myself.

I know this is a short notice, but someone said we had to have 50 copies of something, so I brought 20. But I don't know if we need 50.

Senator DASCHLE. You don't need 50 now.

VOICE. How about 20?

Senator DASCHLE. We will take whatever you've got.

VOICE. Just one, and I will pass the rest out.

Senator DASCHLE. That's fine. Whatever the chairman has there is all right with this chairman, I will tell you.

Alex, before you get started, I am going to just recess for a couple of seconds.

VOICE. I would like that myself so we can get ourselves together.

Senator DASCHLE. You can get together here for just a second, then we will get started.

VOICE. We will decide how to approach our presentation.

Senator DASCHLE. Fine. We will begin again in a moment.

[Recess.]

Senator DASCHLE. The Rosebud panel consists of Dr. Arlan Prine, Dick Bordeaux, and Frank LaPointe. They are here?

Mr. GRANT. Mike Grant, in place of Dick Bordeaux.

Senator DASCHLE. I'm sorry, Alex, who was that?

VOICE. Lionel.

Senator DASCHLE. Oh, OK.

VOICE. Lionel wanted to make this presentation.

Senator DASCHLE. OK. Well, we will call on the chairman, and we will have the chairman start off the panel and proceed in any way he sees fit.

VOICE. I testified in front of other committees. In fact, I testified in front of a tape recorder once when everyone walked out in DC. So I am used to that.

But number one, we were talking about 638 processes. That indirect cost situation still needs to be settled, and that is by Congress, before we decide to do anything. I think the law is quite explicit as to 638. That means the total program, whereas the Bureau or the Government comes in with a 10 percent and we don't really assume full responsibility with the 638 programs. That is another policy that needs to be changed as far as 638 is concerned.

But if there is any amendment that I would like to propose to this bill as far as funding goes, I would like to see $50 million added to that bill. That is for construction for 5 years for the Sioux Nation in the Aberdeen area. That is what I would like to see personally. That would give us time to develop exactly what we're talking about.

Consultation in that bill is very important, too, because once statutes are passed by Congress, there should be a consultation period because as administrations change that have various philosophers or philosophies that a person goes by, these we have to live with. Once it's in the Federal Register, it's very difficult to stop anything. We are finding that out. That we need to look at.

So we need again to look at the intent of the statutes, and that is through an education process so that people that supposedly control our lives. Now, we have been at this for 136 years. Now, there should be a method, a new method of distribution of funds based on needs, nationally and areawide. Needs to be looked at—in fact, implemented based on need. There are many examples of this inadequate funding level, and I am not here to bad-mouth any other tribe or organization, but to try to put some good ideas to them.

What we need is a Sioux Nation board of education, a Sioux Nation board of health, Sioux Nation law and order, a Sioux Nation board of economics. These are the things that I think about, that I see as coming. We can't stop it, it's just that we're fighting amongst ourselves. And we know this is coming.

Now, prior to me coming up here, my group here, I have heard some questions asked by yourself about support, how we could get the support for funding. I think a good example is what's in front of Congress now in the House and the Senate, when you're looking at the economics of a corporation. I think Homestate owes quite a bit of money, and the Bradley bill would bring that about, when you look at these issues.

As far as financial ability goes, we have that. We have that now. And I think what we should do with the 638, the whole BIA process—because I think we're ready for that now — we can do it. But I am going to be brief. As you noticed, the testimony is written in or presented, and I would like to speak off that because everything is documented.

As far as supporting education, I need to go back to our constitution and bylaws that were implemented 52 years ago. One of the first things in the preamble that was put in place by our grandfathers was education and economic development. That is an IRA act. That is a responsibility of the Federal Government. It is in the Act itself.

So these are already laws that are in place, it's just that no one wants to enforce them or follow them. The intent is quite clear: to educate and to develop economically. Now, someone years ago thought of these evidently, and they're put in place, and we today have to live with that. And we ought to carry it out, not to the best of our ability, but we're going to see that it's done.

So with that, that is all I have to say. Thank you very much.

Senator DASCHLE. Thank you, Alex.

Who is next?

VOICE. Frank LaPointe.

Senator DASCHLE. Frank.

Mr. LAPOINTE. Thank you, Senator Daschle. I would like to thank the committee for allowing us to appear.

I submitted my written testimony, and it covers two points. One is the gifted and talented, and other is if you would consider a new section called Institute of Tribal Goverments and have these do it in the same way you do the gifted and talented proposal. I think that is a kind of technical thing that you can deal with when you get back to DC.

I would like to respond more to some of the questions that we are having here and that were brought out. One is the comparability of schools and testing. I think really, when you get down to it, standardized tests are basically the way of doing things, and these things are then imposed upon the tribes and our children, in saying, "OK, if you do well on these tests, then you're doing great."

I am not belittling these tests, because we understand these tests are used by the non-Indian society for a lot of things and that we have to come to the point where our children have to deal with that society technically, the outside society. And so I have nothing

against the tests. But they should not be the sole judge of what the schools are doing or how the money is spent.

We've argued a lot about money, but what we're talking about is really are we going to fit our educational systems so that our children are able to deal with two worlds, your world and our world. They are two completely different kinds of worlds. So that is that whole process that we have to do if we are going to try to seek more Federal money because I can see where they're saying we're not doing it. But by whose standards are we judging ourselves or are you judging us, in fact, has to be taken into account.

So that is one of the reasons why I have asked that you approve this Institute for Tribal Goverments because I figured out the other night, last night in fact, that in 8000 B.C. tribes probably had a way of governing themselves, and now we come here in 1776 and we have to deal with the US Government. And even though they stole part of our government from us to do their own, still they made it their own and have their own unique things in it.

That has caused us a lot of problems because, if you remember, there was a time as early as 1834 when Judge Marshall made a definitive ruling, and what did the President of the United States say? He said, "Judge Marshall made the ruling. Let him enforce it." I think that is the kind of thing we get into because you have the administrative side of the Government and you have the congressional side and the judicial, and these three, we have to deal with all of those, and they are not necessarily in agreement on all things.

So we would like our colleges, our tribal colleges to work in that area so that they can help us teach our children how to deal effectively with the State and the Federal Government. We have always taken the stand that you are there and we are over here, and we can't operate that way. So I am glad to see that you have come to the reservation to let us have our say. I thank you.

I would like to get into indirect costs. There needs to be some sort of guaranteed indirect cost. The basic reason for this is that we can't wait 1 month into the school year to find out what our money is going to be. So I think Randy made a good point on forward funding. I don't know if Congress is ready for that, but at least give us a formula for some of these costs.

I would like to get into higher education. It seems just at the point when we have prepared our children for higher education, that they are being cut back more and more. The reason for that is that, in my day, when we—well, maybe this was after my day — when we were just getting into the higher education business and going off to school, you know, some of us made a career of staying in college because you could get some money and you could study and go on and on, you'd have 158 credit-hours and still no degree.

But now I think our students are much more serious and they need that money. But instead of being as free with them as they were with us, they are suffering for our armed race, and I don't think that's right. They should be allowed to have more funds for higher education. I get pretty emotional. I have three kids at that age, and they're having a heck of a time. Thank you.

[Prepared statement of Mr. Lapointe appears in the appendix.]

Senator DASCHLE. Thank you, Frank.

Arlen, we will hear from you next.

Arlen. Senator Daschle, on behalf of the St. Francis Indian School I want to show our appreciation and give you the token appreciation for our opportunity to speak with you this morning or this afternoon. Now, we support—and anything that I say is the perception of our board of education—we support S. 1645.

We strongly support also, and probably more thoroughly support, the House version because it pertains more directly to the funding of the Indian students. We would hope that before this bill is finalized, that portions of the House bill would be integrated into this S. 1645.

Now, I know that Superintendent Houston and Maurice Twiss also alluded to this, and the final observer of that was the principal from Little Wound, and I didn't get his name. But he also indicated that this funding procedure a month after school starts is just not a practical way to go about educating secondary and elementary school children.

Title IV—and much of what I am saying here is just repetition, and I am going to kind of skim over it just to kind of indicate that we are in support also. Maurice Twiss mentioned title IV, and we have other problems with title IV other than what he mentioned, but our problems are mainly the notification. Sometimes it comes in July, the next time it comes in November. Our school year starts in September. If this procedure could be improved, we would appreciate it.

Our biggest concern with you, Senator Daschle, at this moment is our construction stage at our new schools. In talking with people on the roads about Senator Daschle, it's just like handing out candy, everybody knows you and everybody is very pleased with your efforts. We are most encouraged by the document that you submitted to me as the project director for our new school last Wednesday, when you insinuated that the funds had been appropriated—not appropriated, but approved by the subcommittee. That news is probably well received by our tribe and by our school district and probably by the personnel within our district. I want to give you this opportunity to take a message back to some of your staffers— Sara Yager is sitting there—Robert Baracker, who has worked closely with the school; Joe Stein; Dennis Botts; and recently, Mack Love has given us a great deal of support.

We have had absolutely no problems with your office, and we hope that this will continue.

Our major problems, if we had to evaluate them at this time, would be with the Bureau. Your effort is 100 percent. If we had to evaluate the Bureau's involvement up to date, we would probably have to put that close to zero.

The question that we have at this time—and it might not be a problem but it might be a problem down the road— our minor construction phases of this school building have started. We had two of these small projects completed as of last week. There is one link missing—and I have tried to get in contact with you and your staffers last week, but to no avail because I talked to Sara Yager and she said Robert Baracker was out—could you check and find out where the approval of the type of building is?

It's my experience working with the BIA and Congress that the building type has to be approved before the appropriations. Now we have a document stating that the appropriations have been forwarded, approved by the subcommittee, and we haven't received the document on the approval of the type of building that we are supposed to design. This is holding up our architectural firm.

But they are proceeding on a letter from Albuquerque, but those letters, as has been mentioned before, usually end up in a problem rather than accomplishment.

Now, our buildings are twice as old as we previously testified. I think the Pine Ridge delegation said their buildings were 56 years old. Well, ours are over 100 years old. So you can see if there is a comparison made, that it would be reliable to figure that we are in twice as bad shape as the Pine Ridge delegation.

Deadline schedules, they are only developed for the attendance area. We had a deadline schedule developed in Albuquerque. We signed it, we come back, we followed all the deadline schedules. As of today, we would have to dig hard and long to find one deadline schedule that the Bureau has followed up to this date.

When Dr. Wilson says that the BIA is making a mockery out of self-determination, that is about as true as this day is made out of 24 hours. Health and safety reports by the Bureau, BIA, are only apparently developed to employ certain individuals. The last two we showed to comply with the health and safety standards and also made a requests—one year for $2,900,000, the next year for $288,000. To this date, we have received $4,500 to comply with about a $3 million request.

Now, Murray Weidenhouse in the office of Indian education in Washington is working on this. And numerous calls have been made, but there has been no response.

So I guess the only problems that we have at St. Francis — and things do look good, they're progressing, and we want to take this opportunity to say again thank you very much for your efforts because they really are appreciated. Thank you.

Senator DASCHLE. Arlen, thank you. We will see if we can get that information posthaste. I will ask Virginia Boylan and Sara Yager if they can't find out specifically and get back to you perhaps early next week.

Mike, we are ready for you.

STATEMENT OF MICHAEL GRANT

Mr. GRANT. Thank you, Senator Daschle. I see that President Bordeaux has arrived, and I would like to begin by asking that at some point today, perhaps on a later panel, that he be included and be allowed to provide further testimony.

Senator DASCHLE. By all means. We do have him on the panel after the next one. So, by all means.

Mr.GRANT The Sinte Gleska College is pleased to have this opportunity to offer testimony relative to the Indian Education Amendments Act of 1987. The balance of my remarks is summarized. As a tribally chartered higher education institution on the Rosebud Sioux Indian Reservation, Sinte Gleska College acknowl-

edges the support for the program efforts of the many BIA tribal contracts and tribal colleges throughout the country.

Since inception, Sinte Gleska College has advocated for appropriate and credible education programs, services, and opportunities, whether at the Head Start, grades K through 12, or postsecondary level, on behalf of the Lakota people of the Great Sioux Nation.

In reviewing the various proposed title I, title II, and title IV provisions contained in the act, the college has taken certain positive steps to strength fiscal resources and management systems for elementary, secondary, and postsecondary schools. These provisions are essential for realizing the smooth flow of annual operations that allows schools to plan and administer programs in an efficient manner.

Adequate and timely appropriations represent a key measure for an improved program development and implementation and educational delivery.

In particular, today the college would like to discuss the proposed title III amendments, specifically section 303 which sets for the establishment of American Indian gifted and talented centers at Sinte Gleska College and Navajo Community College.

We are honored to be considered for a demonstration project and assure the committee that we feel uniquely qualified to conduct a full range of project activities.

Some very quick and cursory research during the past week indicates that on the Rosebud Reservation there are presently 190 students involved in gifted and accelerated study programs in the tricounty school district and at St. Francis Indian schools, respectively. Little Wounded School on the Pine Ridge Reservation is also highly regarded for its gifted and talented program design. Sinte Gleska College welcomes the prospect of extending activities to whatever Indian children may benefit from project assistance and resources.

To be sure, parents, families, teachers, and administrators must be trained in the area of gifted and talented education, and Indian children must be afforded the chance to exercise their special potential. Curriculum and classroom environment must be shaped to accommodate the exceptional abilities of these gifted and talented Indian children.

Sinte Gleska College will seek to design, assess, and disseminate project data which expands and increases intellectual, creative, and the leadership programs for gifted and talented Indian students in our elementary and secondary schools.

By calling upon tribal college expertise to address the educational needs of gifted and talented Indian children, section 303 poses a viable solution that promotes the elementary-secondary-to-postsecondary relationship, and provides a project model for subsequent programs within the Indian education network.

Senator DASCHLE. Mike, thank you very much for your comments.

We appreciate the testimony provided by this panel, and we will take your testimony. I am very impressed with the quality of the testimony that is being offered this morning, and the kind of insight we are getting in the broad range of educational endeavors

here. This panel is certainly another example of that. So, we thank each and every one of you.

Now we will have the student and parent panel. If those panel members will come to the table, we will hear their testimony at this time.

The panel members were with some of Dr. Jim Wilson's kids when they came out to Washington earlier this year and they actually saw the committee in action out there. So now you are seeing the flip side. This is what is called a field hearing. I have always thought of Washington as the field and this was home. So this is home and that is a field hearing. But we are delighted that so many of you could have been there.

For those in the audience and in the room today, I must tell you these students really presented themselves well out there. We had a visit from the office and they came to the hearing, they sat, they really presented themselves well. And all of the Indian country from South Dakota was very well represented by their trip to Washington, and I am pleased that they had the chance to be out there and very pleased that they could be here this morning.

We will take their testimony. Let me just go first with Evelyn Eagle Bow.

Ms. EAGLE BOW. I am Evelyn Eagle Bow, and I am the chairperson of the Pine Ridge school system. I would like to welcome you here and thank you for the opportunity to give testimony for our schools. In my family alone there have been three generations of graduates at that school. My folks graduated in the 1930's, I graduated in the 1950's, and my children are graduating in the 1980's.

The learning environment has gotten worse each year at our schools because of the classrooms, the buildings' falling apart. Our students are smart, but we can't expect them to keep learning under those conditions. Our classrooms are cold in the winter because the heating is absolutely terrible. In the summer we have to keep our windows open because the heat doesn't go off.

We wrote all this in different reports, but so far it has fallen on deaf ears. We went to Washington at least two times, I did, anyway. So far we haven't gotten anywhere. We were put on the top of the list for schools to be improved. But we don't have the adequate funding right now in our schools, which is another obstacle we have to meet.

In the past we have had money to help support our schools, but now we have none. There is $2,150 per student given to meet the education needs. But that isn't enough for supplies, books, or activities anymore. Some of our books are so outdated; they're 10 years old.

There is a lack of communication between Washington and the school board. Take, for instance, the renovation. We weren't in the planning process for the renovation. After the renovation, we were still unable to use half of the buildings that were renovated. The basement of our high school, when they renovated that, spent thousands of dollars renovating that, and it still didn't meet Government specifications to operate in.

Our bus drivers are still unable to use that. Mostly all the renovation work was just done partway. It wasn't completed very well.

All information and materials concerning our schools is only sent to the superintendent of schools. We have no input in the planning or in anything concerning our schools. Take, for instance, there was material sent down to the superintendent of the schools, but it was lost somewhere along the way, and therefore we lost out on the planning enrollment moneys. Therefore, we are in the red in the operation of our schools.

BIA has to give all employees a cost-of-living increase, and that was never put into our budget.

There is so much to say. There is a lack of space in our schools. Our library is in the auditorium lobby, which is a poor learning environment there because people come in and out of there all day long. We had to put some of our classrooms in the dorms, which caused us to lose money there because we had to turn away dorm students.

Also, we work very closely with the college. I also work for the college. In order to meet facility space for the college and the schools, we kind of combined our classroom space. The school got to use part of the college facilities, and the college used part of the high school facilities, but it is too hard to operate that way because sometimes our classes are held at the same time.

I think in the future schools boards have to be a part of the planning process. Right now we don't have money to actually put into our school anymore, and therefore we cannot operate, continue to operate this way.

Take, for instance, the boundary line. We are forced to admit school kids in our schools after the count week because they, for instance, state that they want to go somewhere else to go to school, and all they have to do is get a court order and then they can go to school over there and then say, maybe two or three or four of them don't want to go to school there, so they come to our school. And then we don't get the money for them because of the count rate.

It seems like we need to actually have another count week maybe 2 months down into school to show you where the difference is in the money situation.

The rest of the kids here will give testimony here on how hard it is to learn in our schools because of the facilities and environment in the classroom.

Sitting to my right here is John Woosten, and he will introduce the next speaker.

Senator DASCHLE. Thank you. If I could, I would encourage your very frank and candid comments, and to the extent that you can be succinct and brief, that would be very helpful.

John.

Mr. WOOSTEN. The students are smart, but the materials they have don't help them out. We don't have labs and chemistry. In library, they don't have the proper stuff. They simply go into study hall and there are too many kids walking in. In the summer, if you go to the classrooms, it's too hot, so you don't even feel like going to class; you just sit outside where it's nice and cool.

So basically, there is a need to further our education, better classrooms, better schools.

Senator DASCHLE. Thank you, John.

Jackie.

JACKIE. My name is Jackie. I am going to be a senior. In biology there are also no labs in the biology classroom, so we don't get to do experiments, dissecting and all that. There are holes in the ceiling, there are holes in the floors. Also, like in the wintertime, we will be sitting there and you'll be writing, and the classroom is cold because the heaters don't work. Then when it comes to springtime, the heaters will come on and they won't go off.

The classrooms are overcrowded because they cut so many classrooms in half to make more classrooms in our schools. So there is, like, 10 desks or so for 15 students in a classroom. It's really a problem.

Senator DASCHLE. Thank you, Jackie.

Carol.

CAROL. I would like to thank you on behalf of the reservation, Mr. Daschle. I am concerned about the schools. I feel the students need a better place to learn, and we have to have more classrooms. They gave them all the money to have the old library—they put a lot of money into having an old library fixed up, but that's about all they did.

That is about all I have to say.

Senator DASCHLE. Thank you.

Cissie.

CISSIE. I am a junior in high school. I am very concerned about the high school. I appreciate your concern for our students. All the other kids mentioned about what happens in our school environment, having unsafe conditions.

I think most of the kids are afraid of getting hurt in the school, but they want to go and get an education and be somebody. Like everybody says, our kids today are our future tomorrow, and we need to get a better education than we are now. Thank you.

Senator DASCHLE. Thank you, Cissie.

Fred.

FRED. Thank you. I am Fred. I am a parent of students. I have a number of students going to OCS. I want to thank you for joining us at our votes. State elections do count. I think your being here today proves that. I want to thank Joe; he worked hard for us to go to school in those days also, and it's probably twice as hard for them. I think that anyone graduating from this school belongs to a gifted and talented program for the hardships that they go through, trying to graduate from this school.

We want to thank you, and I probably should mention that there is funding for some renovation that I think is probably just another waste of money and should be put into a new school and maybe even allow the tribe to build a new school, at least not the Bureau, which I think is another alternative to Federal funding for the school. Thank you.

Senator DASCHLE. Thank you, Fred. I think you are absolutely right.

Yvonne.

Ms. MCCORY. I am Yvonne McCory, and I would like to read the written testimony from one of our students. She couldn't be with us today.

STATEMENT OF DONNA McCORY, STUDENT, PINE RIDGE HIGH SCHOOL

My name is Donna McCory. I am a junior at the Pine Ridge High School. I can't be with you today. However, please accept this testimony on behalf of myself and the students at Pine Ridge High. The reason for this written testimony is because I am representing our region in the National Conference on the Constitution, Democracy is Us, in Philadelphia, PA.

I would like to begin my testimony with the question, would you send your child to Pine Ridge High School? After all the reports and the studies that have been written, you have read about the asbestos, inadequate heating, unsafe conditions which are hazardous to our health at present, not to mention the countless cracks in the walls and the ceilings and the electrical system that is damaged and a fire system that will not even work.

Pine Ridge High School has one unique heating system: in the winter you freeze and in the spring you roast. The building has a tendency to absorb moisture, which is unsafe because the children with allergies have to suffer. The building is old. But we can only get the basics in the courses offered. There is just no room to expand. The facilities cannot challenge the mind of the intelligent, wandering mind of the Indian child.

Don't you think it's time we open our eyes with the way we are overcrowding our students? There are laws that state square footage per student. But does the law apply to Pine Ridge High School? Wake up. We are not only crowding our students in classrooms, but the real truth is we are pushing them out the door. Look at our buildings. Some parents feel that it is better to keep their child at home than to send them to a fire trap.

We have individual dreams, and one of my dreams was to graduate in a new high school, and that dream started 7 years ago. But I am going to try my hardest to make my dream come true. But I need help. Would you please help me fulfill my dream and the dreams of hundreds of other Pine Ridge High School students share? It's tough enough living in an environment with unemployment, alcohol, and lack of recreation for all age groups, let alone go to a school in a condemned building, an environment that doesn't give you the push or the drive to make you want to learn.

We need a facility where we can receive the quantity and quality of education. Don't you think it's time to invest in our future? We are your leaders of tomorrow. All the money that was spent on Mr. Oliver North made him rich. We are only asking for a small amount of what the total cost of the Iran/Contra hearings were.

Pine Ridge Village is my home. I believe in our school system, but most importantly my parents and my family believe in the system. We shouldn't have to leave our home. We are young, and the importance of having a family in your educational surroundings is important to the young people.

Athletically, we are building champions. We have three State championships. I am one. Now, together, let's build academic champions. With a new building, a new environment, we can change the lives of many students and their future goals. I am fortunate enough to be a champ academically and athletically. But it's real hard making yourself do this, going to school not knowing if a piece of the ceiling will fall on you, knocking you out. It's hard, but students can do it. I have the family to push me and to beat the Bureau system and not be programmed to fail. A lot of students don't have the family support to even try. Maybe a new building would give them something to look forward to and feel good about themselves.

I have accepted many challenges and have succeeded. Now let me challenge you. I challenge you for 1 week. Let's trade places. You become a student at Pine Ridge High School. You attend 7 hours of class. You convince yourself on a daily basis why it's important to go into a condemned building because it's part of your educational process. I will work in your office. I will make the decisions for Pine Ridge High School from Washington. I will tell you there is nothing wrong with your building. I will tell you that I have read all the studies and reports and the BIA has said your buildings are good for another 25 years. When you are standing on the second floor looking down to the basement through one of the many cracks, I will tell you it's not happening. Keep your chin up, the asbestos is wrapped and only in the basement and that the BIA has your best interests at heart.

I will tell you from Washington what's best for you if the Bureau says it's best. Will you accept my challenge? I realize you are here to hear testimony on the new Indian Education Act, and I am saying the one existing is not meeting the needs of the Indian students.

I thank you for allowing me the time to submit this written testimony.

Ms. McCORY. Thank you.

Senator DASCHLE. Thank you. You tell Donna that the first installment in that challenge is to get that $420,000 that we have requested passed into law so that funding can begin. Nothing would please me more than for my children to be able to come and not only have the good fortune to be colleagues of students as articulate and as intelligent as the ones before me, but for them to be in a school that is comparable to any school that they study in right now.

JOANNE. Mr. Daschle, thank you for coming to this hearing. Before I say who I am, I would like to greet you in my own language:

[Remarks made in Native American tongue.]

JOANNE. My name is Joanne. I am not from Pine Ridge Village. I am from Porcupine District, one of the outlying districts. I am the parent of seven children. One of the seven children is orphaned. I came here as a student of the Oglala College. I came here as a parent with children in the reservation school systems, and as one of the cofounders of KV radio station, an independent, Indian-owned, 100,000-watt community education radio station—and a very good one, at that.

I came here, only I am not on your list of panel members, but I came from one of the outlying districts. I am a very concerned parent. Today is a hearing on Indian education. First of all, as an Oglala Lakota, you must remember, Mr. Daschle, and the committee, the U.S. treaty obligations. Education is one of them. There must be a sincere effort to take these testimonies of designated panel members on their concerns of education and funding resources.

Bilingual education also should be foremost as important as the cultural heritage of our people. Our Lakota language is sacred. We need it for our survival as a people. More funding should be made available to the school system on Pine Ridge Reservation concerning bilingual education. I say this as a parent from Porcupine District, Pine Ridge Reservation, SD. Thank you for this short testimony.

Senator DASCHLE. Thank you very much for your testimony.

Mr. SIERRA. Senator Daschle, I am Bennett Sierra, school board member as well as parent, and graduate of Pine Ridge School. I heard a lot of testimony, but Donna summed it up with her written testimony.

My concern is this if you look around here, this institution, 100 miles by 50 miles wide, we are struggling to build another institution to educate us. One of my concerns is that we have a high rate of unemployment here after you graduate and get out of school. There is no motivation to go on. It's really hard. I have been out in the outside world and off the reservation and made it. But many, many children cannot. Many people cannot.

One of the things that I have had to look at in my life is the alcoholism, and this reservation has a high rate of alcoholism. Our school system has been promised dollars for counselors, and they never arrived. We have kids that are dying every day somewhere because they don't know about alcoholism. They know they've got something wrong with them or something wrong with their family, but they don't know how to fight it.

We need counselors for home visits. We need counselors to help these kids in fighting the problem and counselors to motivate them, to get them going in the right direction. This has to start in preschool. I have attended many seminars where they show how to start these things, and we need the money, the bucks to do this. We don't have it for our school system.

Not only do we have that against us, but we have the Bureau system with their status quo employees that have the regulations need to be defined or changed where some of these guys will say, "Well, I've been here 25 years. There ain't much I can do." And we have a new teacher come in and he's really for changing things, and he gets bumped by a status-quo employee. It's really hard to deal with the status-quo employees, and as our school board, you know, we must pick them up.

One of the reasons why we have never contracted, we want to make the Bureau live up to their policies, what they promised us. There has been a lack of communication, I think Cissie and others have talked about that. We need more technical assistance. It is not always readily available. We need vocational schools for a different way to educate our children. We need more funding. We do not have any funding for the code of studies and the code of values and cultures. We need that. I didn't know about my own culture until I got to college. I never had the time. I had to live hand-to-mouth just to survive. I mean, I didn't go back to college until about 4 years ago, 5 years ago. So we need to institute that in our schools, and especially this school. Some of the schools have it, but we do not.

There are some programs that are discriminatory against children. There are programs at the Bureau school that students could not participate in during the summertime, and that really leaves a bad taste in some of the parents' mouths.

Special education has been cut drastically. We need the funding for that. You can walk up into those classrooms, and there is nothing there, no supplies, no materials; hardly anything. We need more funding there.

I could go on and on and on, but the main thing is we live in a dysfunctional society and we need to learn more how to function in the outside. We need the funding to help us there. Thank you.

Senator DASCHLE. Thank you very much. That list, as you say, is only partial. You make a very strong case for the kind of prioritization that there needs to be as we try first to acquire the money, but second, to decide how it can be best spent.

Thank you very much, the entire panel, for your testimony and for the insight that you have provided us through it. If I were a parent, I couldn't be prouder of the students that are performing this morning. You are articulate, you are obviously extraordinarily intelligent, and you speak with an insight that is impressive, to say the least. Thank you very much.

Our next panel is the panel of educators: Bill Means, Mary Beaulieu, Ruby Bellanger, Yvonne Wynd, Lionel Bordeaux, and John Steele.

I welcome you, and you may proceed as you see fit. Who would go first?

Bill, you are the first one on my list here. Why don't you begin?

STATEMENT OF WILLIAM MEANS, DIRECTOR, HEART OF THE EARTH SURVIVAL SCHOOL, MINNEAPOLIS, MN.

Mr. MEANS. My name is Williams Means, and I represent the Heart of the Earth Survival School, Minneapolis, MN. Our school is 16 years old now, and represents a bicultural, bilingual Indian education program in the heart of one of the largest cities here in the upper midwest. We have educated approximately 2,500 Indian students during those 16 years. We have also become fully accredited with the North Central Association of Colleges and Schools. So we maintain a high academic standard. This year we have just joined the State high school athletic league in the State of Minnesota, and we participate in interscholastic athletics.

The thing that bothers us about the title IV legislation is that we needed to address certain problems, some which are kind of in-house with the committee here and others, I think, that we feel should be changed within the Bureau itself or at least addressed.

In particular, we would like to talk about the way that title IV, since 1981–82 has experienced a decrease every year in the funding available. Through this process many times then with less funding and more applications, people begin to question whether or not even urban schools should be funded. Or, we get some of the larger tribes saying that a lot of the money is going to urban areas and we are not able to serve our students.

I don't think it's a question of whether it goes to the urban or the reservation. As I said before, the amount has decreased steadily rather than increased for the reservation schools. They're eligible for a lot more different funds through the BIA than urban schools. We feel that title IV has been a very helpful way of funding and opening up the issue of Indian education. We feel that it needs to be definitely strengthened, especially in the amount authorized and appropriated.

One of the things that we wanted to recommend in the title IV reauthorization, of course, is, as I said, a return to the historic funding levels. But especially I would like to say that early in title IV, you remember, it had multiyear funding. This would help stabilize a lot of district problems. I noticed as I was driving here today, that on television and radio—I was able to listen to the hearings on the way here. Everybody admits the same issue of this late notification. We just received our turn-down letter from title IV this morning, I understand, when I contacted our office, which means now that we have approximately 100 to 125 elementary students that we have to deregister, take them and get them registered now in the Minneapolis public school system.

Now, if we could have at least known that, we could have notified the parents, the public school officials. Now, they get an influx, and of course our doors are now closed to the lower grades.

One of the things, too, is the term of eligibility has been a big question. We are not questioning the tribes' right to determine the eligibility of their members. As a matter of fact, we support that 100 percent. In terms of eligibility, we would just like to note to the committee, and hopefully, within the bill some of the problems encountered in urban areas in particular. That is, for example, we have many kids who are one-half or almost full-blooded Indians,

but maybe not of one particular tribe. Or, we will get a lot of students who's one parent is Canadian and one parent is American. We get a lot of different students whose parents haven't enrolled in the past in the tribe.

So I think through title IV, the way it was, more or less giving definition to accommodation of things which includes tribal enrollment but also allows being recognized as an Indian by your community, peers, et cetera. I think we need to leave that type of identification within the bill so that we cannot eliminate kids.

I guess there are just a couple of more recommendations we had. One is that another thing that we have run into personally as an urban Indian school, many times when they invite the readers to Washington to read the proposals, it used to be that they would have two Indians and one non-Indian readers.

Now this has not always been the case this year because of a lot of cutbacks. Many people have even just volunteered to come in and read those proposals, as we have understood. What we would like to do is call for an Indian preference in the office of Indian education, just as it is in the BIA. Of course, this has been upheld many times. And that is because many of our Indian people are familiar with the different types of rules and regulations governing membership, governing JOM, all these different programs that are available.

We need those types of people reading those proposals because we have a lawsuit that is evidence of this that is called *Red Schoolhouse* v. *Ryan*. Two years ago, it was our feeling that within the office of Indian education, under title IV, they discriminated against part of the Earth by telling the readers that title IV no longer funded basic support but only supplemental. As a consequence, all the readers scored us low, and we lost about one-half a million dollars' worth of funding and actually had to once again eliminate the elementary portion of our school.

So I would just like to say that we would like to prevent this type of thing from happening again, and we believe that we can do that if we have the adequate Indian people involved in the determination of these grants. In the grants award process, we heard it, but I am going to mention it once more, that as I said, we just got a notice on title IV this morning in Minneapolis, MN, so that is going to mean that 125 elementary students won't be coming to our school.

These are some of the recommendations. We have a pretty lengthy presentation. We have also included a copy of our court decision. I guess what we are trying to do is mainly lay the groundwork, give a little inspiration to this committee. We just got through battling up there. We know it's tough times on everybody's budget. But that doesn't mean Indian education has to take a back seat to anyone. I think the record is clear. The lawsuits are there. The trust responsibility has been outlined to Congress many, many years ago, all the way back to the treaties. So in terms of what would we tell the good paying taxpayer, I'd tell them it's the end of the month and the rent is due, and that it didn't start recently, it started in 1492. Thank you.

[Prepared statement of Mr. Means appears in the appendix.]

Senator DASCHLE. Thank you.

Yvonne.

STATEMENT OF YVONNE WYND, PRESIDENT, SISSETON-WAHPETON COMMUNITY COLLEGE

[Opening remarks made in Native American tongue.]

Ms. WYND. Senator Daschle, members of the committee, ladies and gentlemen, I am the president of the Sisseton-Wahpeton Community College. I will give my written testimony for submission, and I will just go briefly over it.

Senator DASCHLE. Thank you, Yvonne.

Ms. WYND. First of all, I would like to tell you a little bit about the Sisseton and Wahpeton people. They had originally lived in the State of Minnesota had begun to make their treaties there and were placed on reservations in Minnesota, and then after what was known as the Lakota war of 1862 all the Lakota people were removed from the State of Minnesota and were placed on reservations in South Dakota, North Dakota, and Montana, and many of the Dakota systems and tribal people went to Canada and have never returned.

So the Sisseton and Wahpeton Reservation was established in 1876, and it consisted of 106,210 acres of land. By 1950 the tribe had only 600 ares of land. They now have a buy-back plan, a repurchase plan, and the tribe now owns about 26,000 acres. This does not include individual allotments.

The reason for the loss of so much land was that Congress took it upon itself to open unallotted lands to homesteaders and not thinking of future generations to come. Subsequently, more white farmers and ranchers lived on the Sisseton-Wahpeton Reservation.

Another important event that happened was that through a child custody dispute, the Sisseton-Wahpeton Tribe lost their boundaries in 1978, which further eroded their sovereignty.

There are seven districts on the reservation, and they are represented in the tribal council. I would like to go into some of the history of the educational institutions serving the Sisseton-Wahpeton tribal members. They have been Federal boarding schools, the mission schools, and in the 1950's several of the districts had BIA day schools built. Some of the schools that were established and where the Sisseton-Wahpeton people went were—the first one was in the Carlisle School in Pennsylvania. They have attended the Wahpeton elementary school, which is 61 miles away; Pipestone, 162 miles away; Flandreau, 143 miles away. For postsecondary education they went to Haskell Institute. They also went to Pierre elementary school, which is 249 miles away, Genoa, NE; later, to the Institute of Art.

The point I am trying to make is that many of our students have had to go away to school to become educated. One of the first schools built on the reservation was built by Dr. Stephen R. Riggs, when he built the Tawacin Goodwill Church. They had established the Goodwill Mission Day School and that was in 1870, and in 1873 established the manual labor boarding school, TPZ. These schools closed in about 1918. Historically, the boarding schools have had a detrimental effect on Indian children and their families.

Senator DASCHLE. Yvonne, if I could just interrupt briefly, because we are running into quite a significant time constraint. If you could submit that historical data for the record, it would be very helpful, and perhaps address either S. 1645 or some of the more immediate educational issues, that might both expedite and further enhance what limited time we have.

Ms. WYND. OK. I just thought in my 5 minutes I could summarize some of this background information.

The Sisseton-Wahpeton School was established and in 1981 it became chartered, and that we have funding problems in that we are not able to meet the financial needs of our students. The information or the recommendations we would like to propose is that there be a substantial increase in the appropriations for the BIA higher education scholarship fund and for the tribally controlled community act. We would like to see the fiscal year run from July 1 to June 30 so that we could better plan.

The funding should be approved for a period of 2 or 3 years in advance. Currently, with the funding on an annual basis, the unpredictability of the amount which is received from year to year makes budgeting process difficult to carry out.

Funding should be adjusted to take into account the inflationary effects on the operations.

The tribally controlled education institutions should be allowed to earn interest on the Federal grant funds which is in the bill.

There should be construction moneys for the tribally controlled community colleges.

Thank you for this opportunity.

[Prepared statement of Ms. Wynd appears in the appendix.]

Senator DASCHLE. Thank you for an excellent testimony. Do you have copies of that that you can share with the committee?

Ms. WYND. Yes.

Senator DASCHLE. Very good.

John.

STATEMENT OF JOHN STEELE, OGLALA LAKOTA COLLEGE

Mr. STEELE Thank you, Senator Daschle.

I represent the president of the Oglala Sioux Tribe, Joe American Horse. I directly work for him for the Oglala Sioux Tribe, chairman of the board of trustees of the Oglala Lakota College, and the member of the Wounded Knee school board.

First off, I would like, on behalf of the president of the tribe, Bill American Horse, thank you, Senator Daschle, for honoring the tribal resolution asking for a congressional hearing on education here at Pine Ridge. We won't forget that.

BIA tends to not recognize some tribal resolutions, but we see that you directly do, and we thank you very much for holding this congressional hearing here.

To begin with, I would like to state that Chief Red Cloud, when the reservation was first formed and the U.S. Government broke the Sioux Nation up into several different reservations, asked the US Government and some religious organizations—specifically, the Jesuits— to educate its people. He recognized that the future was education.

Just a few weeks ago the president of the Oglala Sioux Tribe said that the No. 1 priority was education and health. This is still ongoing with the people across the reservation, individual tribal members. We heard several people testify here today working for the county schools, BIA schools, tribally contracted schools, they are all addressing quality education for their children. Our elders are all passing on. Some of us now are in sort of responsible positions, and we have to address this to you. Quality education comes down to funding for facilities, supplies, teachers, to get a quality education for the youth.

It also comes down to addressing a bungled job by the BIA. The BIA uses statistics to fool Congress to get reduced funding. The BIA is not complying with congressional law.

The House Appropriations Committee, in their language, asked the BIA to report by 1988—I think it's February 1—on how they are going to address the code of education that they developed several years ago. They haven't even tried to comply with their own code that they developed and told Congress they had. How long is it going to take them to reach that point? How much money is it going to cost? We are looking forward to this report from the Bureau to the House Appropriations Committee.

The BIA did not and has not yet developed regulations on the college act, which was rewritten, passed on, and reauthorized here. They are looking at reauthorization again. These are things I think the committee should get on the Bureau to get done so that we can operate and get some quality education. We have got five contract schools here on Pine Ridge. Self-determination, Public Law 93-638, self-determination— according to what? We were self-determined at one time as the Sioux Nation. Self-determined from the Bureau policies and to the point that they put my people in after all these hundreds of years here on the reservation? Whose fault? Who does the BIA represent? That is the Federal Government.

These Public Law 93-638 schools, as addressed here this morning, have to overcome all of the deficiencies and to the point that they are at now by a locally controlled school board, the BIA developed them to that point right now where they are offering nonquality education. I would say that without adequate district school in a few years, we are going to be in quite a bit of trouble.

I would like to add just one other thing here, Senator. You addressed the skeptical taxpayer. What will you tell him? I would like to address this not specifically to yourself, but to the full Senate and the committee. We have treaties which are considered the supreme law of the land. They may be 100 years old, but does the US taxpayer and the Government honor those? We are looking at huge land loss and the illegal takings of land to the Sioux Nation.

Now, if the roles were reversed and we had kept that land, I think that today we or one of us would be sitting in that chair there, and the U.S. Government would be coming to us with complaints about the "Bureau of Caucasian Affairs" and how they are going to be accountable. We are very concerned about the things going on in the reservations in the Black Hills, which was illegally taken and on the land we lost in 1868.

So quality education we see, Senator, as the future of our people, and I don't think we're asking too much when the United States is addressing human rights across the world, for the Sioux Nation to receive something that they consider very important for the future of their children. Thank you very much.

Senator DASCHLE. Thank you, John.

Lionel.

STATEMENT OF LIONEL BORDEAUX, SINTE GLESKA COLLEGE

Mr. BORDEAUX. Senator Daschle, members of your staff, members of the Oglala Tribe. My name is Lionel Bordeaux. I am president of Sinte Gleska College, have been now for 14½ years. This seems like it started just a few weeks ago. Time has certainly gone quickly. At that time when I first came there, I was very naive. I had a tremendous vision, and I thought certainly in my lifetime I would see that. But after spending probably half of my career there, I began to see that the Government needs to begin some things because it is going to be quite a while before you see the completion.

But I am glad to have been invited to testify. Mike Bench was here on behalf of the college earlier, as was our chairman, Alex Benderman and others from Rosebud. I want to thank them for the work that they have done for the college.

Certainly, over the years you have always been very supportive of tribal control, and we want to thank you for that and extend our appreciation to you. But that is only the beginning. The bigger circle is still out there in front of all of us. I guess it basically boils down to what we want for our children and for the Nation and the world in terms of peace, what we will do with tribal education, because what we are doing now extends internationally. There is a tremendous interest in Indian education throughout the world, sometimes even moreso than I think right here in our own country. We have so many limitations.

You mentioned taxpayers, and certainly one is aware of this. And it isn't that we are trying to rely solely on the tax dollars. We realize that if we are going to develop anything positive, it has to come from within. The spirit and the soul have to be ourselves. At Sinte Gleska we are trying to work on that. It is very difficult, but we would like to see the day when we can be away from the Federal dollar, but we realize right now in our infancy there are times when we need it and we must rely on it. But unfortunately, it isn't always there.

I guess the difficulty that I have had in journeying to Washington for the last 14½ years is that we have had Bureaucrats wield Washington. I think you know what I am talking about. We have one particular woman who sits in Washington, DC, and literally controls Indian education. I have a tough time dealing with that, because I know also how powerful Congress is and how powerful the various committees are. And yet when one woman can literally push congressional committees around, I think something is wrong. And we suffer for it out here.

We are in the trenches out here. We are trying to enhance the quality of life on our reservations, and we are having a very tough time keeping up. In fact, we just buried a young boy in Michigan

this morning. Two days ago we had the very sad occasion of burying the founding chairman of Sinte Gleska College, Mr. Sammy Red Bird. Between the youth and the elders there, we are all in this together. And yet, sometimes you wonder where it's headed. Sometimes you can feel yourself going around in circles.

But we are keeping our heads up. We feel that tribal colleges, I feel, in large part are the answer to the many woes across this land. And yet, we have a very tough time just getting of the ground. I know we can point to the fact that we have accreditation at the baccalaureate level at Sinte Gleska College. We are offering a master's degree beginning this fall. And yet, those things in a way are monumental and yet, on the other hand, just barely scratch the surface.

At the college there I see the day where the college needs to go. Many times it puts me at a disadvantage sometimes with some of our own elected officials. And yet, I know that the colleges are the catalyst, the demonstration centers on these reservations, we are the new hope, the new voice, and many people look to us for advocacy, to initiate change—and yet, change which we realize is going to put us dead against some very tough obstacles as we proceed on our way.

We are going to need your continued help because what we are looking at—I understand what was saying here a little while ago, and the Oglalas take the position that health and education are the priority on the reservations. Certainly. However, on the other hand, somewhere jobs must also take precedence. And that worries me because we can continue to put out educated personnel, but if we don't have the jobs to put them in, we are going to have educated clientele that is also going to be unemployed. And that is troublesome.

So in an attempt to address that at the college in addition to the many academic endeavors that we are attempting to keep aloft, we are also looking at the development of institutes. We have created three institutes so far. One is on economic development. One is on an endeavor to begin to review this whole Indian-Federal relationship.

I served 6 years in the Federal Government, and with all due respect, the system of Government that we operate under now drastically needs improving. But that is our responsibility as Lakotas, and we will deal with that. At the college we are gearing up to begin to work with communities, and it is going to take a tremendous educational process because our people from the time they took our ancestors off of their horses 100 years ago, time has literally stood still for many generations.

Many people, unfortunately, are almost programmed into what we have today. It is a bad system that we have today. We started with rations and annuities, and it continues in a little bit more sophisticated manner today, and yet it's spelled the same at the end. It is very tough to compete with. But that is our responsibility. That is the mission statement of these institutions is how to address that, to break down those reservation barriers that we ourselves have encircled around ourselves, sometimes voluntarily, sometimes involuntarily, but we are working in that direction. And we are seeing some daylight, but it is going to be very tough.

But this summer and this winter we literally need to get into every community with the blackboard and begin to talk about the tough issues: how do we as people begin to strengthen our own form of Government from within. We talk about the treaty, can we possibly look to the treaty as the working foundation upon which this government-to-government relationship should exist? These are options that we are going to have to consider.

We are going to have to get into the area of employment. As institutions, we feel we are credible. We feel that we have the resources, the sophistication. We are going to have to work closer with tribal government in addressing these.

I just throw these out, but there are multitudes of other institutes that we need. But these are some things that I think that we passed letters on to you and you are familiar with. I won't take the time here.

But I will, in going on, mention the fact that somebody mentioned scholarships.

Senator DASCHLE. If you could just summarize a little bit.

Mr. BORDEAUX. Yes; I am. These are kind of in my head here. I could probably speak for 1 week.

Senator DASCHLE. I wish I could speak that eloquently from my head, but go ahead.

Mr. BORDEAUX. Scholarships, someone mentioned scholarships. Very tough. We probably have one-half of our students going to Sinte Gleska College have no type of financial assistance at all. The other unfortunate thing is that sometimes a student will sign up for GA and will live on $54 a month, will come to college, will get a Pell Grant, the Pell Grant will pay for the tuition and fees, the student never sees that dollar, and yet they cut that student's general assistance, which is very unfair.

St. Francis was up here talking about facilities. We, too, have tremendous facility needs, but we are addressing them on our own. Maybe one day we will come to Congress, but only as a last resort. We are going to do everything in our power to try to address facilities on our own. And we have done about 13,000 square feet of construction of our own so far, and we are still developing the campus right now and will continue to address that.

But my alma mater, St. Francis, was up here, and they do need some tremendous assistance. They put out good people.

[Prepared statement of Mr. Lionel Bordeaux appears in the appendix.]

Senator DASCHLE. Well, I couldn't agree more. They talked about 100 years old in that facility. If it's 100 years old, I am surprised that it's utilized at all. It looks 200 years old, and that's just because they haven't had the funds for maintenance.

I want to thank you, Lionel, for your words, and all of you. You were talking about your determination to do this without funds. I have been on all three campuses, and I am extraordinarily impressed.

I might say that not only am I impressed, but I think if there is one person in the family who is even more interested and concerned than I, it's my wife Linda. She has been extremely interested in this whole thing, and feels as you do, that first is health and

education and second is jobs, and that therein lies the future of the next generation.

I am going to stop at this point with this panel, if I could, and thank each and every one of you for your willingness to come, for your willingness to testify, and for the very, very eloquent testimony that you provided. If I have come this far for any reason, it's to hear what I have just heard, and it was worth the whole trip just to have the four of you inform me as you have this morning. Thank you very much.

I am going to proceed now with the next two panels together: Al White Lightening; Lynes End of Horn; Victor Provost; Jim Mossett; Roger Bordeaux; and Ray Stone. Those six witnesses, if they could come before the panel at this time, I would like to take the next two panels together.

I unfortunately have a conflict that I have to get to in Sioux Falls, so I am going to have to leave here by 2, but I want to be sure that before I leave I have heard every witness that was scheduled to testify. So we want to be sure that we leave time for all of you.

Why don't you take the microphone, if you would? Lynes End of Horn is here. Victor Provost is here. Jim Mossett. And Roger Bordeaux.

Is Al White Lightening here? Is Ray Stone here? OK. I know, of course, that Randy testified earlier. So he is already OK.

Well, why don't we proceed, then, with Al White Lightening?

STATEMENT OF LYNES END OF HORN, STANDING ROCK SIOUX TRIBE

Mr. LYNES END OF HORN. I am Lynes End of Horn. Al White Lightening isn't here, sir.

Senator DASCHLE. Oh, I'm sorry. Excuse me.

Mr. LYNES END OF HORN. I am Lynes End of Horn, from the Standing Rock Indian Reservation in the States of North and South Dakota. I live on the South Dakota side. In my presentations here I will be talking about transportation, student housing for both college and high school, and housing for Head Start parents on the reservation. I will also be including JOM for funding of JOM on the reservation.

Sir, the funding for JOM is a definite need on our reservation. We have a lot of students who are doing very, very well at the high school level, but with more money and better teachers, with the students being challenged, we can accomplish the goal that we have set for ourselves.

Our classrooms are deteriorating. Our building there, the main school building, is 87 years old. With the classrooms, the lighting, everything is poor. But with that, sir, we still do a very job of education. And with your help and the support of this bill, we can do better.

The curriculum, the money is so small that we get from the State, that the curriculum that I have looked at coming to Pine Ridge here is 10 years behind. Our goal, sir, is to go forward, not backwards.

The housing on the reservation with Head Start parents, sir, is very small. The local community does not have enough housing to fit all the parents. Therefore, we have a great number of parents living in non-Indian communities off the border edge of the reservation. In our policy that we wrote or the proposal that we wrote to Washington, they returned it, stating that they would only fund members that were within the reservation. I want you to understand that our housing therefore is one of the reasons many of the parents of both high school, college, and Head Start level are not living on the reservation, sir.

My request at this time, sir, is that if we can have dormitory facilities on the reservation, the reason being is Wakpala is 57 miles from Fort Yates, ND. Little Eagle is 62 miles from Fort Yates, ND. Students at the ninth grade level have to wake up at 6 in the morning to bus from Wakpala, from Little Eagle, from other places to Fort Yates to attend classes. That is almost an 1½ in the morning prior to school and about an 1½ after school. There is no transportation for any students that are participating in any kind of athletic events that travel to or from any other place in the State.

We also have a humungous problem on drug and alcohol, sir. Therefore, we would like—I believe I wrote you a letter one time before, about 3 months ago. I still haven't received any material from you. The communities of Standing Rock are getting programs together to confront students, parents, younger children, and high school students to make them aware of the alcohol problem on the reservation.

In summary, sir, at all ages of people in Standing Rock, may it be a Head Start, grade school, high school, or college level and older parents, we are doing a humungous job, a great job with what little we have. And we support any bill that would be of help to us to better ourselves.

The people on the Standing Rock Reservation are well equipped both physically and mentally to succeed in today's world. But, sir, with your help and this bill, if it would help us to better ourselves, we urge support both in North and South Dakota. Thank you, sir.

Senator DASCHLE. Thank you.

I am going to ask Sara Yager of my staff to talk to you personally about this information, to see first whether we have any record of the request, but second and far more importantly, that we respond to the request whether any record exists or not.

So, Sara, if you will talk to Lynes before the end of the hearing, I would appreciate it very much.

Mr. LYNES END OF HORN. I believe I have been through the Bureau office in Aberdeen, and I got a response, and I can't remember the fellow's name.

Senator DASCHLE. You did get a response.

Mr. LYNES END OF HORN. Yes; but I did not get the answers to the questions I asked; it was just that you acknowledged my request, that you received a letter, and that somebody in the office will be responding. That was the response I received.

Senator DASCHLE. OK. Well, let us check to see what the status of that information query is, and then we will get back to you.

But, Sara, I would appreciate if you could talk to him.

Victor Provost is next.

Victor, please proceed.

STATEMENT OF VICTOR PROVOST, VICE CHAIRMAN, YANKTON SIOUX TRIBE, FOR THE TRIBE AND MARTY INDIAN SCHOOL, MARTY, SD

Mr. PROVOST. I am Victor Provost, and I am vice chairman of the Yankton Sioux Tribe, and I am here at the behest of the chairman. Chairman Zephier has suffered a massive heart attack this past week. However, the chairman——

Senator DASCHLE. How is he doing? I wasn't aware of that.

Mr. PROVOST. He is stabilized for now.

Senator DASCHLE. I wasn't aware of that.

Mr. PROVOST. But I am not going to take too much time. I have some stuff to submit for the record, but I am going to paraphrase it as succinctly as possible. Some of the things that were discussed today were all touched on. But I will read to you as much as I can and the rest I will paraphrase.

On behalf of the Yankton Sioux Tribe and the Marty Indian School, we extend our appreciation to you in affording us the time to present what we believe are important issues facing the education of our children as well as the children of other tribes.

It is our concern that the educational experience and the growth of our Indian children who desire to attend tribal contract schools are being adversely affected for the following reasons:

One, the BIA is not accepting the spirit of Public Law 93-638 with respect to self-determination;

Two, the BIA is unwilling to recognize the fact that tribal contract schools are not federally operated schools;

Three, the BIA arbitrarily establishes attendance boundaries, thereby placing severe limitations on students and parental freedom of choice with regard to which school students can attend.

In criticism No. 3, with indifference to Public Law 93-638 and appurtenant CFR cites, the Bureau arbitrarily established school attendance boundaries. In a memorandum from the Bureau dated March 29, 1983 with regard to minimum academic standards and dormitory situations, school were directed to review the proposed rules, including those on geographic attendance boundaries, and requested compliance with CFR 25 Part 31, Federal schools for Indians. For your review and records, please refer to attachment A.

Obviously not take into account was the validity of tribal contract schools. Most schools replaced this proposed rule, as did Marty, with their proposed attendance boundaries. Refer to attachment B.

Marty Indian School did, in fact, in the fall of 1983 receive confirmation of their proposed school attendance boundary. A May 17,1985 memorandum from the Bureau expressed that all students accepted by the school must reside within the attendance boundaries established by the school.

However, a paragraph added by the BIA undermined the responsibility of contract schools in determining their attendance criterion, all students accepted by you must reside within the attendance boundaries established by your schools. You must have on file an application of each student signed by the student's home agency

education official and, when appropriate, the agency social service official. Only those students that have been approved for attendance at your school by your home agency can be counted for—and this is a term that I am not too familiar with, but it's ISEP—ISEP funding. The education official at the student's home agency will be held responsible for verifying the eligibility to be at Marty.

In short, there is a lot more here that I could probably talk to because I think in some way, shape, or form there has been various speakers here who really lined out the doings which pretty well I think are right across the board in reference to the Sioux Tribe.

As you may not know, Mr. Daschle, in the past few weeks our school has been hit with a dilemma. We have problems of misappropriations. We had an individual there who misappropriated to the tune of $130,000. And we tried to bring this to the Bureau's attention time after time. But the Bureau kind of went along with this all along, and as the end result, those of us who tried to bring about all these wrong-doings this individual was doing were branded as people who were trying to shut down the schools.

Now, you may have seen the various articles that have been in the Lakota Times in reference to politics and the petty stuff that occurs in our schools and school boards. This by and large is true, but this is brought on by the Bureau. When something like this happens, they turn the other way, but then when it comes up, they act like, "Geez, where'd you get this from?" You know, this has been going on all along, and we've been trying to tell you from the tribal standpoint of view.

In short, Mr. Daschle, Marty School is going to keep on going despite the problems that it is experiencing now.

Also, in reference to the Marty Indian School mess, we would hope that as a result of today, we would hope that schools that are in the same situation as we are experiencing today can feel some relief because our greatest resource regardless if we're Dakota or Lakota is our young children. They are our future leaders. There is no way around that, because that's the way I see it.

Also, there is one more item before I call it quits. It's the higher education thing. It was touched upon by Mr. Bordeaux. It's the general assistance. I also have sent to you some materials, to Sara Yager, I believe, and you were down last—when, last February? I gave you some materials, and still it feels like to me I'm running into a stone wall with that. Our college end of it, the higher education is set to start pretty quick, and our problem is not taken care of. There are a lot of people who would like to go to college, but just because of the GA thing, it knocks them right in the head every time.

[Prepared statement of Mr. Provost appears in the appendix.]

Senator DASCHLE. Well, as you know, it takes legislation to change that, and I think the point has been made extremely well at this hearing that the relationship between GA and higher educational benefits ought to be addressed and addressed a lot more effectively in the legislative process. I don't think you ought to be penalized for wanting to be educated, and that, it seems to me, is what is happening right now. So I think your point is well taken.

Victor, I am going to ask if I can move on now to the next witness. But I think your point is well taken. Your experience at

Marty is the concern, I think, that could be addressed as sort of Exhibit A when we talk about autonomy: how do we address that; what means is there by which to ensure that the dollars are appropriated correctly? I applaud Yankton and the tribe for its effort to try to redress this issue and confront it because it is a problem that we should have addressed a long time ago.

We move on now to Jim Mossett.

STATEMENT OF JIM MOSSETT, MEMBER, TRIBAL COUNCIL, THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION, NEW TOWN, ND

Mr. MOSSETT. Thank you for allowing me the opportunity to present testimony at this hearing, Mr. Chairman. We pretty much as a whole support the bill we have here. We have problems, though, with the consultation. Throughout the bill here we have things such as "as deemed necessary by the Secretary," "at the discretion of the Secretary," "amounts allowable by the Secretary." The tribe feels it needs more consultation time.

I have here several recommendations. I will give you the written testimony. Because of time constraints, I will just move on.

[Prepared statement of Mr. Mossett appears in the appendix.]

Senator DASCHLE. Thank you very much, Jim. We would like to take those. Do you have them with you at this time?

Mr. MOSSETT. No, we do not.

Senator DASCHLE. But you will submit them?

Mr. MOSSETT. Yes.

Senator DASCHLE. I must emphasize something that I haven't said enough throughout the testimony, that I am keeping the hearing record open for 2 weeks, and I would hope that everyone would avail themselves of that time to add, to do whatever they wish in ensuring that the full amount of testimony that you wish to provide is so provided. This is just another example. So, by all means, submit that to our committee, and we will be taking that into account.

Our final witness for this panel is Roger Bordeaux.

Roger.

STATEMENT OF ROGER BORDEAUX, EXECUTIVE DIRECTOR OF THE ASSOCIATION OF COMMUNITY/CONTRACT SCHOOLS

Mr. BORDEAUX. Thank you, Senator.

I think what I would like to do, just to keep it real short, is to address S. 1645, what is not in it and what we think should be in it in regards to the community tribal schools that I represent.

There are a lot of good provisions in it. I like almost everything that is in it. As I said before, there are a few things that are missing, though, and after a lot of deliberation over the last year or so, we came to the conclusion that the only people that can develop some type of administrative formula that would be equitable to the schools are the school people themselves. What I have, what I will give to you is this kind of a blending of H.R. 5 and S. 1645 and combining those two together in what we feel is the most needed for Indian education in Bureau-funded schools, and it also takes

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into consideration some other things that we addressed a few weeks ago when we had a board of directors meeting.

But I think the three main things is the administrative cost formula; I think there has to be something stuck in there to stabilize what's going on. Ever since this Administration has been, since about 1981, everything has come from the top down and nothing the other way. That needs to be dealt with.

I think another important thing that needs to be stuck in S. 1645 is the payment schedule, which was mentioned quite a few times this morning. It's quite a headache for all the school administrators and the other people to try to survive on a day-to-day basis, primarily from mid-September through about mid-January. They're almost on a cash flow problem continuously on a day-to-day basis where you have to borrow money and pay the interest on that and do a lot of strange things just to maintain covering your payroll to keep your teachers happy and things like that.

So I think some type of payment schedule which is less restrictive than what it is now has to be stuck in there. If not, I think the same thing is going to happen and we're going to have a horrendous turnover of people within that system.

I think the last thing that is current in the House version that is no tin the Senate version for some reason, I don't know what it is. But there have always been problems since about 3 or 4 years ago in regard to school board training and school board expense dollars and how much actually gets down to the schools. Because of some person within the Bureau, they ended up putting restrictions on training dollars and expense dollars and they put limits, unreasonable limits on it, what you can do and what you can't do with the amount of dollars and all that kind of stuff.

So the language that is in the House version kind of takes care of that, but it doesn't really do everything. What we would like to see is enough dollars available to the local school board to let those local school boards determine how much money they need for training and how much money they need to cover their expenses.

Then one of the smaller things, one I think there was a lot of discussion about the problem with the word grants in the tribally controlled section of S. 1645. I think we have come to the conclusion that instead of the word grant, we would like to use the word operational agreements as opposed to grants. It binds the tribal governments and then the Federal Government a little bit more.

Then I think, last, you talked a little bit about accountability and testing and all this other material. Our office has submitted to your committee through various testimony over the last 6 months or so some hard data that dealt with testing, that dealt a little bit with comparability of costs and things like that. So I think if you go back to a couple of the budget hearings and review some of that testimony, it will answer some of your questions.

[Prepared statement of Mr. Bordeaux appears in the appendix.]

Senator DASCHLE. Roger, thank you.

Virginia Boylan just informs me that you have been very helpful already in providing input with regard to some of the recommendations. I hope that our staff as well as the members themselves will continue to pursue the suggestions that you have made in your testimony here today. We want the best bill possible, and the only

way you're going to get it is to have people with the hands-on information, with the understanding operationally of how this legislation ought to work. You as well as the other members of this panel are a real resource.

So we want to thank each one of the panel members for your presentations and for the kind of very helpful advice that you have given us in testimony this morning.

I will call up the final panel at this time and we will excuse this panel.

Let me just say as we are calling up the final panel that reference was made earlier to the control that the BIA has over all of this, and one person in particular. I only speak for myself, and I emphasize my prerogative to do so, but emphasize as well that I am only speaking for myself. But it may take a change in administration, but if I have anything to say about it, there is going to be a change in personnel in the BIA when that change in administration occurs.

What has happened in the last few years in this regard has been unacceptable and extraordinarily frustrating, and I think it is time to change some people at the very top.

We are going to proceed now with the final panel.

G. Wayne, you're listed as the first one. I think I will call on you. We are going to try to keep this panel to 20 minutes, so I will be kind of tough on time. But we will encourage you to proceed.

G. Wayne, I will call on you first.

STATEMENT OF G. WAYNE TAPIO, CHAIRMAN, HEALTH AND EDUCATION COMMITTEE

Mr. TAPIO. Thank you, Senator. I talked to these gentlemen before we got up here that, you know, and they were asked to come up and get to the point, and they did. So I think we're going to do that, we're going to get right to the point.

You know, the Oglala Sioux Tribe, and I think every tribe, stresses education. It's our only answer down here. You know, a lot of guys will disagree that we've got other things, but just like right now, we're not even using our land out here. And educating our young people is our only answer. I am very concerned about and our committee is very concerned about it.

Our kids, and you've seen some up here today, are not quitters. I think they've proved that. I think they've proved that in the Sioux Falls arena when they come from 14 points down to win the State championship. And they've proved it a lot of time that they're not quitters. All they're asking for is a chance and an opportunity to get this education. I am sure your being here—and I want to thank you on behalf of the tribe that will be up here later today— but for coming out here.

Our population out here, 69 percent of our population here on Pine Ridge Indian Reservation fall in the 13-to-17-year-old age group, and that is where our concern is right there. We are concerned about the other age groups, too, but we are going to have to do something with the people in that age group. They represent the largest portion of our people here, and to educate them is the most important thing.

I could probably go into indirect costs and everything else that was covered here, but before you do leave, before I get through—and I am going to get to the point—you know, I stood here, Senator, with a whole crowd in here and told that crowd how good a Senator you were, and you were going to make. I told that crowd that. You proved that today by coming here, and you're going to prove it further by going back to Washington and sharing our concerns out here with the rest of your committee, which I think is a very powerful committee.

We want to find out, for one thing, why nationally the average cost for health care, nationally all health care, is $1,800 per person, and here on the Pine Ridge Reservation it's $753. That starts the education: health. We want to find that out. People have been telling me, well, those reservations out in the southwest have got powerful Senators. Well, we have a powerful Senator now in you, and we think the world of you, and I am sure that you're going to go out there and help us.

On TV this morning they asked me, "What do you hope to get out of this thing you're having down here?" I said, "I really hope to let them know our concerns and our needs and our wants down here of our young people and for them to go back to DC and tell this Mr. DeConcini and the one that chaired the Contra hearings, Mr. Inouye, tell them boys and let them know that we want a chance down here, we want our young people to have a chance".

So they can say all day, you know, you've got to pull yourself up by your bootstraps, but it's really hard to pull yourself up by your bootstraps when you ain't got no boots on. So we want to put some boots on our young people. Really I believe that. We will pull ourselves up by our bootstraps.

I know we've got to clean up some of our own backyard here. They mentioned the school boards. The school boards are new and they've got to realize that they are policymakers and not the superintendents and principals at these schools. They are not that, they set policy.

So there are things we have got to do ourselves. But if they're going to cut anywhere, Senator, don't cut education. Not just Indian education, no education. Don't cut there. That is the chance we've got here. That's the only chance we've got is to take care of our young people.

At this time I will turn it over.

Senator DASCHLE. Let me just respond briefly. I just think I have fond memories of this hall, and the one thing that I told the staff when I decided to hold this hearing is that I didn't want it held in Rapid City or Sioux Falls, where you had to drive all the way, we wanted to come here. The resolution called for it here on Pine Ridge, and I just think that if there is something to be said for holding hearings where they are supposed to be held: where the people are.

Second, let me just say this. This hall is named after someone who competed against the very best in the whole world and won. He competed and he showed what Indian people can do when it comes to Olympic competition. Pine Ridge competed in South Dakota and showed what Pine Ridge could do in statewide competition against the very best anywhere in South Dakota. But what we

have been able to do in sporting events, whether it's Olympics or whether it's a State basketball championship, I think we ought to be able to do intellectually. I think that our kids, the kids that I had before me this morning, can compete effectively against any standard, against any student here in South Dakota or anywhere in the world. That is what this hearing is about, to give them that chance and to let them compete. I don't think that that is too much to ask of our Government, or of the programs that we have, to support that notion.

Let's go ahead with the next witness.

STATEMENT OF WARREN POURIER

Mr. POURIER Thank you, Senator Daschle. My name is Warren Pourier, and I sit on the HEW committee. My concerns, most of them, have been covered earlier today, but the main concern that I have is the alcohol and drug bill. I got a chance to set up a BIA task force. I think considering education, a lot of the students that have an alcohol or drug problem, their education, their very capacity stops right there. I think if we can address the alcohol and drug issues within our school systems and get them properly funded, that we will begin to see some rise in academic standards.

I guess that is my main concern, where that alcohol and drug bill is right now and if we can get it properly funded.

Senator DASCHLE. Well, you hit the nail on the head. It's whether or not we can get the money. I must say I am extraordinarily frustrated with the administration's politics in this whole area. They had a major announcement and grandstand approach to how we were going to address drugs, and they came up with all of these different ideas. But as they say, in order to be credible, you've got to put your money where your mouth is. They have had a lot of mouth and no money. And until we can get money to match the mouth, I don't think there is much credibility in that regard.

But we've got to have the money. I don't care how many nice programs you put out there, unless you've got the money to support them, they aren't worth the paper you've printed them on. That is the problem we are addressing today, especially when it comes to problems as we've got them here on the reservation.

Thank you very much for your testimony.

Mr. POURIER Is there anything being done about that now?

Senator DASCHLE. Yes; right now we are fighting in the appropriations process to see that additional funding and more adequate funding be provided for Indian drug abuse and prevention.

Mr. POURIER Is there any way that legislation could get out to the grass-roots level? I see a lot of money kind of turned into administration and it didn't get to the need, didn't get to the people.

Senator DASCHLE. Well, that is what that bill is designed to do. If it's functioning properly, it will do that. Thank you.

Mr. POURIER Thank you.

Senator DASCHLE. Who is the third witness? Roger, are you going to try this again? [Laughter.]

Senator DASCHLE. Keep doing it until you get it right, is that it?

STATEMENT OF ROGER BORDEAUX

Mr. ROGER BORDEAUX. That's right. We're going to get our point across here.

Senator DASCHLE. I will give you 2 minutes.

Mr. ROGER BORDEAUX. I will summarize it real quick because about everybody here today has said most of the points we wanted to make.

One of the biggest concerns which does impact our early-child component is that the tribe be established as an LEA. We need certification and establishment of the tribe as a local education authority, and any assistance you could render to the tribe would be greatly appreciated. This helps not only all the schools on the reservation, but this does help our preschool programs.

The other thing we would like to stress is that the funds that we receive for preschools, for handicapped or special-needs services on a competitive funding basis, we do not feel that children's special needs should have to compete for services that rightfully should be theirs under provisions of the BIA and Indian Health Service mandates.

The other thing we would like to ask for is increased appropriations for preschool services, whether it be through the BIA, through the contract schools, or through the Head Start Bureau.

We do ask for consideration on appropriations for transportation. This does include, again, preschool children.

We also ask for consideration of nurses through education be provided, not just left solely to the Indian Health Service. Thank you.

Senator DASCHLE. Thank you, Roger.

Who is next?

STATEMENT OF GERALD BIG CROW

Mr. BIG CROW. My name is Roger Big Crow. I am on the county school board. I would like to welcome you, Senator, and the staff, to the Pine Ridge Indian reservation.

I would like to talk a little bit about our schools. We have 17 schools on our reservation. There are four county, five contract, and then three parochial schools, and the rest Bureau schools.

I would like if we can hold up on this bill that is going to be introduced here in the Congress because right now it's getting us in a fighting stage where all the school districts have to sit down and draw the boundaries to their schools, where they can go and they can't. And with 17 schools on our reservation in a county that covers the whole reservation, it puts us in a very unique position. I don't think that we should be in this position of hassling whose son is going to go or whose daughter can go to school where.

Also, I would like if they changed the funding and have it 30 or 60 days beforehand because right now, as several other people have mentioned, our schools get in a bind here. We get 30 or 60 days into school starting here, and we're going to have to wait and we get everybody screaming around here about the funds and we're calling, and it hits the newspapers and it makes a big deal out of it. There's no need for it.

I would also like to have some assistance, if it could be held off for a year because of the complications that are written in, like October 1, 1987, in order to start implementing the program. They also have a January 1, 1988, date that the bill can make it cover. And you've got a lot of words in it like "the contracts," the "Indian organizations," the "Indian tribes" in this bill, which makes it more complicated. If there is any possible way to hold off on this bill until a year or two from now, maybe we will have a different Administration in there. Right now, we are at a point where we've got the tribal and the State and the county and BIA schools at each other's hair, and we don't need that.

I would just like to thank you very much.

Senator DASCHLE. Thank you. The only problem I have with holding off is that if we don't do something, the BIA is going to run right over this whole thing. That concerns me. I think that I would rather have something in place to ensure that what we've got is what we can keep rather than to see it all taken away by the BIA by these irrational proposals.

So that is the problem. If we wait two years, my only concern is that it could all be gone by then.

Mr. BIG CROW. The Bureau itself? I mean is Ross Swimmer this powerful a man to do this within three months?

Senator DASCHLE. He could do it. If we don't stop him, he could do it, because he then has the authority to do it. That's the concern.

I think your point is very well taken. I don't mean to be argumentative here. But I think the concern we have is: what happens if the Congress does nothing? Somebody said earlier that the thing that upsets them the most is the BIA taking all this responsibility unilaterally, that people call the shots, whether it's one woman or one man, and they're calling the shots and we're having to accept it.

Well, we won't accept it. And whether or not we have the ability to ensure that we can stop them depends on whether or not we pass legislation to clarify their responsibilities and to take away some of this unilateral approach to policymaking that they have had for too long.

But I appreciate very much your testimony.

The final witness?

STATEMENT OF LYMAN RED CLOUD

Mr. RED CLOUD. My name is Lyman Red Cloud. I am vice chairman of the education committee of our tribe.

We are talking about moneys here. OK, let's get to the point. And welcome back to Pine Ridge Indian reservation, Senator Daschle.

I would just like to start off by saying that we are talking about budget cuts. Let's look at the BIA. Look at Aberdeen. Second of all, we want a new school in Pine Ridge for our high school. We would like to have that school. One way or the other, we're going to get it.

Well, let's just say, to make it brief, the BIA Aberdeen, their salaries are way up high. If we don't get a budget within the tribe,

why can't the BIA have a budget cut at the hospital, Aberdeen area? I think the Aberdeen area is the place where it starts. They start passing the buck in Aberdeen, with those tremendous salaries, and there are too many employees over there.

What I saying for the record here is why can't we reduce the Aberdeen area office to—well, we'll just say if there are 20, let's just keep eight of them. That way they will work for their money. They will not pigeonhole Indian resolutions of the tribes, all nine tribes here.

Third of all, the hospital— we've got to do something about those people. We've got to keep those people working.

Thirdly, I will say, no offense to Mr. Clarence Sky, but why do they have it in for us? They are taking a tremendous budget cut from our programs for each reservation. I think their budget is around half a million dollars. That's the reason why we can't have our students going back to high school or wherever the mission is.

I think that that job should be abolished. That is where most of the funds are going. With that, I just thank you.

Senator DASCHLE. Well, that is quite a statement to end the whole hearing on. We could have a whole hearing on that alone. But let me just say, if there is—

Mr. TAPIO. Senator, before we do quit, before we stop here, I just want to thank this lady and thank the other lady who came up here and ran these tapes for us today. The other lady missed an interview for a job at Kyle. So if anybody from Kyle is in here, she missed it being down here today, and she's trying to make it out there yet this afternoon.

I want to thank the people who donated us those donuts and everything, and I want to thank you for everything you have done for us and everything you are going to do for us because I know that has been a great thing. Thank you.

Senator DASCHLE. Well, thank you, G. Wayne.

The only way that I can be effective in working in my responsibility as a member of the Indian Affairs committee is to come home and to talk directly to the people that I consider my advisors and my friends and the people who give me direction and insight. I have tremendous confidence in the wisdom and the kind of advice that you can give me. That has been confirmed again this morning in these hearings.

I want to thank Kiwi for covering this entire gavel-to-gavel coverage. This room would be filled to overflow if all the people probably listening to this hearing this morning would be here under this roof. So, then, to them I want to express my special appreciation, as G. Wayne said, to those who cared for the hospitality here, and I have had three or four cups of coffee and it's just the way I like it, nice and thick.

I want also to thank all the others who are responsible for the success of this hearing.

I mean what I said just a moment ago, that if a Billy Mills could compete effectively, if a Pine Ridge can compete effectively, then there is no doubt in my mind that on any basis, intellectually, the kids performing this morning can compete just as effectively with kids in Tokyo or with kids in London or with kids in New York City.

But just like asking carpenters to go build a new house, they've got to have the tools. The degree to which they have the tools is the degree to which they can build that house. The degree to which our children can be educated is the degree to which they will ultimately become the leaders of the next generation. But they have to have the tools.

We need a blueprint and we need tools. We talked about the blueprint today. We need to carry out the tools. We need the money to buy those tools. And that is what this hearing was all about.

It has been extremely interesting, extremely helpful, and extraordinarily insightful. To all of the witnesses I want to express my sincere appreciation, and to the staff for their work in organizing this hearing. They are some of the best there is, and I want to thank all of you.

We will come home again.

Senator DASCHLE. We thank all for coming today. The committee is now adjourned.

[Whereupon, at 2 p.m., the committee was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF LOWELL AMIOTTE

OGLALA LAKOTA COLLEGE

* CHARTERED BY THE OGLALA SIOUX TRIBE
* ACCREDITED BY THE NORTH CENTRAL ASSOCIATION OF COLLEGES
* MEMBER OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

1. BACKGROUND

Crazy Horse, Red Cloud, American Horse, Wounded Knee, Running Brave, Mystic Warrior, Black Elk Speaks - all of these are names that relate to the Oglala band of Lakota (the traditional name for the Sioux), who live on the Pine Ridge Reservation in southwestern South Dakota. Through 150 years that have included wars with the United States, the taking of lands, confinement to the reservation, and attempts to stamp out the Lakota language and values, a legacy of federal policies have reduced the Oglala Lakota to the poorest people in this country.

Eighteen thousand Oglala Lakota live on the 7,000 square miles that make up the Pine Ridge Reservation. According to the 1980 U.S. Census this area is cited as the poorest in the entire nation with a per capita income of $2,637.00. The Bureau of Indian Affairs reported in 1984, that unemployment hovers around 84 percent. Ninety percent of the reservation families live below the poverty level. There are substantial problems in health and medical treatment. The infant death rate among Indian people is three times higher, and the incidence of tuberculosis is eight times higher, than the U.S. average. A high incidence of alcoholism, a suicide rate which is at least three times higher than that of the rest of the population, and the lowest life expectancy of any group in American further attest to the grim conditions facing the Lakota population today.

There are also substantial problems in the area of educational attainment. According to South Dakota Division of Education's 1978 assessment of educational programs, less than 20 percent of the Lakota population have completed high school, and fewer than 50 percent have completed grammar school. In a recent study conducted by the College, 50 percent of the Indians completing eighth grade dropped out before graduating from high school. It is estimated that the dropout rate for Oglalas going away to college is between 80 and 90 percent. In 1978, less than 1 percent of the population had completed four years of college.

These statistics, and many others, paint a bleak picture of the reservation. Indeed, compared to the general population, and even other minority populations, the statistics could lead to despair. The Lakota people were subjected to the severest form of "future shock" 150 years ago, but a spark of the tribal values and identity stayed lit and is now lighting the fire of a tribal resurgence. Oglala Lakota College was established by the Oglala Lakota people to assist us in our quest for control of our own lives and improvement of our lives for ourselves and our children through education and self-sufficiency.

2. HISTORY OF THE COLLEGE

Oglala Lakota College was chartered by the Oglala Sioux Tribe in 1971 to coordinate and regulate all higher education on the Pine Ridge Reservation. In its mission and purposes the Oglala Lakota College emerges as much more than a college. It is also a support base for all forms of Tribal development. In carrying out its mission the College stresses the importance of maintaining Lakota culture and fostering Tribal self-determination through purposes such as: providing the Oglala Tribe with trained human resources and personnel; assisting people to be active, productive members of their community and the Tribe; presenting the Lakota view in all areas of instruction; maintaining high academic standards as well as accessibility to reservation people; assisting the Tribe and communities with development needs, especially economic.

The College functioned for nine years with a variety of uncertain funding. In 1980 the Tribally Controlled Community College Act provided a stable, though not sufficient, funding base that has set the stage for unprecedented development.

Up until 1983, the College offered courses through other colleges, but in June, 1983 the College became accredited by the North Central Association of Colleges and Schools. This permitted the College to lessen paperwork, write more relevant curriculum and develop needed degrees such as the Tribal Management emphasis under the Business Administration Bachelor's.

Current OLC Degrees include:

Bachelor of Science

Business Administration
Elementary Education
Human Services

Associate of Arts

Agriculture
Business
General Studies
Human Services
Lakota Studies
Nursing
Early Childhood Education
Education

Associate of Applied Science

Agriculture
Business (Accounting)
Carpentry
Computer Science
Electrical Construction/Maintenance
Media Communications
Secretarial Science

Certificates Granted by OLC

Carpentry
General Equivalency Development
Law Enforcement
Nurses Aid

3. **UNIQUENESS**

Our college is unique in a number of ways:

It is Indian controlled: The twelve member Board of Trustees is composed of all Oglala Tribal members. Three are representatives of Tribal government and the other nine are elected from the reservation's nine districts. The college has nine local district Boards which include students.

It is reservation based: The college is one of only 19 colleges in the country that is on an Indian reservation. It is one of only two reservation colleges (the other is Sinte Gleska College at Rosebud, SD) that are accredited to offer Bachelor's degrees.

It is decentralized: To deal with the lack of adequate transportation, the 7,000 square mile area and the strong sense of local community, the College has District College Centers in each of the major towns on the reservation. At the request of Tribal members the college also offers courses in the border towns of Kadoka, Gordon, and Rapid City.

It has vision: A Long Range Plan developed between 1978 and 1982, ran from 1982 to 1987. A new 5 year plan is being developed by the Board, students, community people and staff to run from 1987 to 1992. A theme for each year is decided on to set direction and motivate people. The theme for 1986-87 is "Taku Ehankeya Waste O Canku" which means "On the Path to Excellence".

It is participative: Besides participation in planning at the Annual Retreat, staff and students are involved in policy making through the Committee system and Piya Wiconi Okolakiciye (Staff Senate).

4. TRACK RECORD

Our college has also been quite successful:

- total enrollment has gone from 319 in Fall, 1978 to 815 in Spring, 1987.
- full time equivalent enrollment has gone from 285 in Fall, 1978 to 618 in Spring, 1987.
- Oglala Lakota College is the fastest growing college in South Dakota over the last few years. (Its brother college, Sinte Gleska on the Rosebud reservation, is also growing at the same pace.)
- Oglala Lakota College has had 339 A.A. graduates, 34 Bachelor's graduates, 36 A.A.S. graduates, 192 Vocational certificate graduates and 1,313 GED (High School Equivalency) graduates.
- 84% of the graduates are employed on the reservation and another 10% are continuing their education. (The regular unemployment rate for the reservation is 80%).
- 68% of all graduates have received their degrees within the past five years.
- 67% of the B.S. degrees were recieved in 1985-86.
- Oglala Lakota College is one of only two Bureau of Indian Affairs certified Police Academies in the U.S.

- In 1985 Oglala Lakota College obtained South Dakota teacher certification for its B.S. in Elementary Education graduates.
- The College was established as the official Tribal Archives in 1983.
- The College assisted the Tribe to develop its first five year plan in 1984.
- The College held an International Economic Development Conference in May, 1985 to discuss reservation self-sufficiency which led to setting up the Lakota Fund, a reservation-based business loan fund.
- The College established a Research Institute in 1985 to gather reservation data, do required studies and develop economic development models.
- The College instituted Employee Health Screening and Wellness courses in 1986.
- The College began its first major private fundraising effort with a 52,000 piece national direct mail in January, 1987 (funded by Exxon).
- The College initiated an Entrepreneurship A.A. program under its Voc Ed program to assist Voc Ed graduates market their skills.

5. **POTENTIAL**

- Oglala Lakota College is planning an Oglala 2020 Seminar in the Summer of 1987 to bring 40 Oglala people together to look at where they want the reservation to be in 30 years.
- The College is setting up its first accredited graduate level courses for Summer, 1987.
- Linkages are being explored with other colleges for degree programs in Engineering, Secondary Education and Range Science.
- The College is developing the main College Learning Resource Center and nine District Center libraries as the public library system for the reservation.
- The College is developing the the Learning Resource Center as a major curriculum development, research and audio/visual center for College and all the elementary and secondary schools (22) on the Pine Ridge Reservation.
- The College, with a grant from the National Endowment for the Humanities, is developing a college credit course in Lakota Language for delivery over KILI radio (the local Indian controlled radio station).

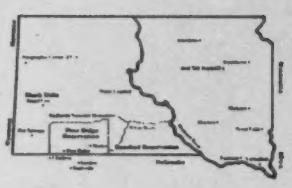
The Environment

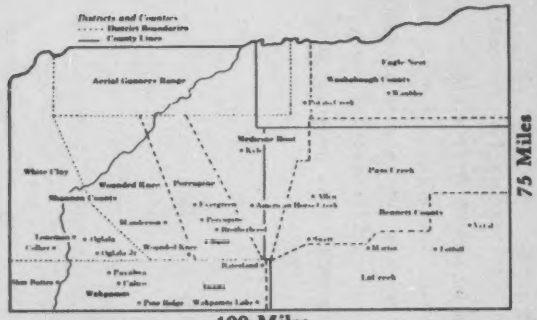
The campus of Oglala Lakota College is over 5,000 square miles of the Pine Ridge Indian Reservation in the southwestern corner of South Dakota. The College has been one of the success stories among the dismal statistics. The College and the Tribe still have a long way to go to meet the needs of the over 19,000 Oglalas who live on or near the reservation.

- Shannon County (which makes up a major part of the reservation) has the lowest per capita income ($2,637.00) in the country (U.S. Census, 1980).
- The unemployment rate on the reservation is 73% in 1986. (BIA, 1986)
- The suicide rate is three times the national average (U.S. Congress, 1986).
- The lowest life expectancy of any group in America (NIH).
- The dropout rate from the 5 reservation high schools is 50% (Oglala Lakota College, 1985).
- Of Oglalas over 25, 45% have not graduated from high school (U.S. Census, 1980).
- Over 57% of all households live below the poverty level (SDSU, 1986).

The College is committed to working with the Oglala Sioux Tribe to reverse these statistics. Through a program of academic and management excellence and community development, the Oglala people can progress toward self-sufficiency. The people are truly **"On The Path to Excellence" — Taku Ehankeya Waste Ocanku.**

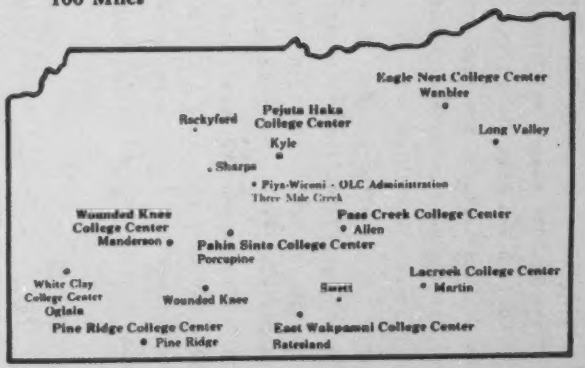
South Dakota





Pine Ridge Reservation (Districts)

Pine Ridge Reservation (College Centers)



OGLALA LAKOTA COLLEGE

*A Member of the American Indian Higher Education Consortium
*Accredited by the North Central Association of College and Schools

FISCAL YEAR 1988- BUDGET STATEMENT (February, 1987)

We are respectfully submitting this statement on behalf of the 19,000 people of the Oglala Lakota reservation in South Dakota, our 12 Board of Trustees members, our 33 Local Board members, 100 staff and 816 college students and 400 GED students. We are very concerned about the impact of the administration's proposed FY88 budget on Oglala Lakota College and other tribal colleges. The tribal colleges are examples of successful reservation programs and this budget threatens their survival. One college has folded and two have suffered accreditation problems over the past year mainly because of a lack of financial support. The issues we would like to address are:

A. Tribally Controlled Community College Act (P.L. 99-428) Base Funding:
FY 88 Request: $9,300,000 for Title I Section 107 to assure at least $3,000.00 per FTE for Tribal colleges.

B. Tribally Controlled Community College Act (P.L. 99-428) Construction Funding:
FY 88 Request: $ 1,440,000.00 for Title I Section 113 to fund 80% of the construction of Oglala Lakota College Learning Resources Center.

C. Tribally Controlled Community College Act (P.L. 98-428) Endowment Funding:
FY 88 Request: $ 2,000,000.00 for Section 302 that Tribal Colleges can draw down as they match to build endowment.

D. Department of Education Higher Education Programs:
FY 88 Request: Restore funding for Title III Part A of the Higher Education Act, the Library Services and Construction Act and Vocational Education.
: Continue support for Title IV B and C of the Indian Education Act, Bilingual Programs and the Trio Programs (especially Special Services).

To save paper we are attaching:

Attachment 1 - Oglala Lakota College 471 Statistics

Attachment 2 - Oglala Lakota College Discretionary Funding History FY 81-FY 88.

Attachment 3 - Learning Resource Center Building Design and Plan

Attachment 4 - Oglala Lakota College 1986 Endowment Report and Information Sheet

We have also enclosed the following in our packets:

1. Oglala Lakota College **Annual Report** 1985-86

2. **Visions of A New Era** (Institutional Brochure, 1984)

3. Oglala Lakota College **Graduation Program** 1986

4. Oglala Lakota College **Schedule of Courses** 1987.

A. Tribal Community College Act (P.L. 99-428) Base Funding:

Fifteen years ago leaders of the Oglala Lakota people had a vision of an accredited college on the Pine Ridge Reservation. The college was chartered in 1971 and survived through hustling for grants here and there. Enrollments and program demands steadily increased. In the late 70's the leaders at Oglala Lakota College as well as leaders at other Tribal Colleges realized some form of base funding was needed if they wished to serve all the students who wanted an education and if the Tribal Colleges were to progress to true academic quality. Thus, the Tribally Controlled Community College Act was born. Since 1980, the first year of base funding, Oglala Lakota College has doubled its enrollment, granted 276 degrees (compared to only 130 in the first ten years), achieved North Central Association accreditation at the Bachelor's level (3 degrees) and has been able to branch into other areas of academic pursuit that support Tribal economic development such as:

- Conducted Pine Ridge Reservation Comprehensive Transportation Study
- Established official Oglala Sioux Tribal Archives
- Established Oglala Lakota Research Institute to gather new reservation demographic and economic data and develop economic development models
- Initiated a Bachelor of Science in Business degree with emphasis areas in Small Business and Tribal Management
- Held an International economic development conference that resulted in the set up of the Lakota Fund, a privately financed, Lakota controlled small business loan fund
- Instituted an Entrepreneurship Center and training program under the vocational education project

The College looks at the Tribally Controlled Community College Act base funding as analogous to states funding public colleges or the federal government funding Howard U, Gallaudet College or West Point. In comparisons with these, the Tribal College's per FTE base funding has not fared well:

* Tribally Controlled Community College Act per FTE funding (only Indian students counted):
  - FY 85 = $ 2,462.00
  - FY 86 = $ 2,341.00
  - FY 87 = $ 2,491.00 (AIHEC Statistics)
* State Average Base Funding to Public Colleges per FTE: FY 84=$3,467.00
  - only four states were below the $ 2,506.00 TCCC level for FY 84

and these charge high out of state tuition to supplement operations, e.g., Colorado, New Hampshire

(National Institute of Education)

* South Dakota State Average Base Funding to Public Colleges for FTE:

  - FY 1985 = $ 2,703.00
  - FY 1986 = $ 3,439.00
  - FY 1987 = $ 3,762.00

- South Dakota is usually ranked 48th or 49th in per FTE funding

(Rapid City Journal 12/86)

* Federally Funded Colleges Base Funding per FTE:

  - West Point - FY85 = $ 226,190 per cadet (Newsweek)
  - Howard U. - FY86 = $ 14,153 ($129 M ÷ 9137 FTE) (Department of Ed Budget)
  - Gallaudet C. - FY86 = $ 17,068 ($37 M ÷ 2206 FTE) (Department of Ed Budget)

Next we can look at percent of budgets supplied by base funding:

* % of Budget from State Base	* % of Budget from TCCC Base
- National Average FY 82 = 58%	- OLC FY82 = 45%
- National Average FY 85 = 53% (AACJC)	- OLC FY85 = 41%
	- OLC FY 86 = 35%

The point we are making is that although the TCCC appropriation is increasing, it is not keeping pace with enrollments at the TZibal Colleges. Base funding is critically important since it provides for basic operations and core academic programs and allows for realistic and rational planning.

We do not want to belabor the point, but although the college is grateful for the increase in funding of Title I of the TCCC Act to $7.7 Million in FY86 the fact is that funding has actually decreased from $3,000 per FTE in 1981 to $2,341 in 1986.

To sustain healthy growth, academic quality, financial stability and continued accreditation, we request Congress to return us to at least a $3,000.00 per FTE level which would be an overall appropriation of Title I of about $9.3 million ($3,000 x 3,100 student count)(authorized-$5,820.00)

In this age of budget cutting we realize increasing a program is difficult, but we feel this amount of money is not actually an increase but a "maintenance of effort". We must present our own case since the Bureau of Indian Affairs is constantly presenting budgets favorable to the maintenance of their administrative budget at the expense of actual services in the field and program delivery.

Attachment 1 shows the growth of Oglala Lakota College enrollment and other areas and the failure of base funds to keep pace. Attachment 2 shows the uncertainty of discretionary and competitive funding.

FY 88 Request: $ 9,300,000.00 for Title I of 99-428

B. **Tribal Community College Act (99-428) Construction:**

Section 112 of P.L. 98-192 (the reauthorization of 95-471) authorized a study of facilities to be done by GSA. The act was passed in December, 1983 and nothing was done. P.L. 98-428 (the latest reauthorization of 95-471) Sec. 112 reauthorized this study and transferred the responsibility to the Secretary of Interior. We hope this study will be completed in the near future.

The need for facilities is an acknowledged fact among reservation officials and knowledgeable visitors, e.g,

> As of 1982 the physical facilities of most of the tribally controlled colleges were barely adequate to allow them to provide the education necessary for their students. By the standards of general community colleges their buildings, equipment and library holdings would be judged very poor, but considering the overall condition of facilities on the reservations, and the fact that most of the programs are dispersed and therefore do not need the extensive physical facilities of a residential college, they are marginally adequate. According to the administrators and faculty of the tribal colleges and my observations in 1982, the greatest needs are for more and better classrooms and laboratory space. Many of the tribal colleges cannot offer all needed classes because they do not have sufficient or adequate classrooms. Library facilities and holdings are also inadequate at the majority of these schools. This is particularly critical on reservations where there is no public library in the vicinity.

Another need at several of the colleges is some type of student lounge or student union and a gymnasium for physical education classes and recreational activities.

"The Tribally Controlled Community Colleges in the 1980's," by Norman Oppelt. American Indian Culture and Research Journal, 8:4 (1984), pp. 27-45.

We have immediate needs for construction as evidenced by the North Central Association accreditation review of March, 1983. The two major needs are:

1. Learning Resource Center (library and audio/visual center)
2. District Learning Centers (9 classroom buildings in each reservation district)

With a grant from the Bush Foundation in Minneapolis we have completed a 5 year Learning Resource Center Plan, a Learning Resource Center Construction plan, a preliminary design and a cost estimate. The plan is based on accepted library standards, North Central requirements and reservation realities. It is for a 26,000 square foot facility that would cost $1.8 M dollars.

The Report on Facilities - Section 112 (a) called for in the law is supposed to identify current BIA facilities that could be renovated, repaired or reconstructed for use by the College. We have received a letter from the BIA Superintendent for Pine Ridge stating there are no such facilities on the Pine Ridge Reservation.

The Construction of New Facilities- Section 113 set eligibility for funding:

(1) current recipient of grants under Section 107 - OLC has received grants since FY 80.

(2) accredited by nationally recognized accrediting agency - OLC has been accredited by the North Central Association since 1983.

Section 113 (c)(1) states that grants shall not exceed 80% of construction costs. We are requesting that $1,440,000.00 be put in P.L. 99-428 for construction in FY 88 for construction of the Oglala Lakota College Learning Resource Center. We have already had positive reaction from foundations for about $400,000 if we could raise the balance of the $1,800,000.00. See attached Learning Resource Center design and cost estimate (attachment 3).

FY 88 Request: $1,440,000.00 for Title I Section 113 of P.L. 99-428 for construction of Oglala Lakota College Learning Resource Center (Woksape Tipi-House of Wisdom)

C. **Tribal Community College Act (P.L. 97-428) Endowment Funding:**

Title III of the TCCC Act provides for an endowment program. Oglala Lakota College feels the basic need of an adequate endowment to provide financial stability, money for expanded programs and money for student scholarships. Oglala Lakota College's current endowment is $279,152.00 invested in certificates of deposit, a managed government fund and a managed stock fund (See attachment 4). The interest generated is currently used for the financial aid office, scholarships and for further endowment development.

Our goal is $5 million by 1990. We just received $50,000.00 from Exxon for a national campaign. We are requesting that at least $2 million be appropriated for Sec 306 to be available on a matching basis to Tribal colleges until expended. Drawdowns could be made in increments of $50,000.00 as colleges raised the matching money until the appropriation was expended.

FY 88 Request: $2 million for Sec 302 of P.L. 99-428.

(Authorization $5 M)

D. **Department of Education Higher Education Programs:**

Oglala Lakota College competes with other institutions of higher education for funds under the Higher Education Act and other appropriate programs. Attachment 2 shows the amounts the College has historically received and the prospect for FY 88. Although these monies are not base funding and are always questionable they do provide resources for academic improvement, development of new programs and improvement of management. We urge that funds be appropriated for the following programs President Reagan has zeroed out for FY 88:

: Title III Part A of the reauthorized Higher Education Act:

Oglala Lakota College testified for this program on behalf of AIHEC. We supported the Black colleges and they supported the Indian and other minority colleges. This money is indispensable for OLC's continuing development for academic and managerial improvement.

: Vocational Education Act:

President Reagan has stated that the states take care of vocational education. Oglala Lakota College has repeatedly been denied access to state voc ed money. Vocational programs form a vital part of OLC's offerings and cutting this funding would severely curtail them.

: Library Services and Construction Act:

Although we currently receive a small amount from this program the Tribal set aside for this money is essential. Currently there is no public library on the 5,000 square mile Pine Ridge Reservation. The LRC we are building will be a college and public library.

We also urge support for continued and adequate funding support for:

- Title IV B and C Indian Education Act
- Title VII Bilingual Program
- Trio programs (Talent Search, Upward Bound, Special Services)

We thank you for your support and patience and will be available to answer questions. Please call or write:

Mr. Lowell Amiotte, President or
Mr. Tom Allen, Director of Institutional Development
Oglala Lakota College
P.O. Box 490
Kyle, South Dakota 57752
Phone: (605) 455-2321

OGLALA LAKOTA COLLEGE -- 471 STATISTICS

School Yr. -- / Fiscal Yr. --	80-81 FY 81	81-82 FY 82	82-83 FY 83	83-84 FY 84	84-85 FY 85	85-86 FY 86	Est. 86-87 FY 87	Est. 87-88 FY 88	Est. 88-89 FY 89
Enrollment, Graduates, Etc.									
Total Enrollment	522	647	598	674	798	730	770	800	800
FTE (6 Wk.)	338	404	413	474	548	559	580	600	610
Indian FTE (6 Wk)	326	372	387	439	505	487	520	540	550
Courses	Unk.	208	241	296	322	375	450	--	--
Graduates									
GED	150	112	130	140	98	56	100	--	--
Certificate	--	30	17	22	3	52	40	--	--
AA - AAS	33	28	35	54	39	60	30	--	--
BS	--	1	4	6	11	12	20	--	--
Employees	68	90	86	92	96	100	102	--	--
471 & Revenue									
471 Count	282	331	362	421	480	467	490	515	525
471 $ (Millions)	$.70	$.93	$1.04	$1.05	$1.18	$1.09	$1.21	$1.23	$1.23
471 Per 471 Count	$3000	$2826	$2865	$2506	$2462	$2341	$2491	$2413	$2340
Total Revenue (Millions)	$2.74	$2.07	$2.45	$2.73	$2.74	$3.15	$3.45	?	?
471 % of Budget	26%	45%	43%	38%	41%	35%	35%	--	--

Prepared By:

Joanne White Thunder
MIS Coordinator

OGLALA LAKOTA COLLEGE -- DISCRETIONARY FUNDING FY81 - FY88 (COLLEGE LEVEL)

FY	Title III	Title IVB	Title IVC	Voc Ed	Title VII	Basic Skills	Special Services	NSF	Nursing	Other Programs		Total $	% Budget
81	254,000	-0-	119,988	246,244	107,584	141,334	66,467	63,536	-0-	-0-	8	1,000,753	36%
82	200,000	162,826	-0-	-0-	120,096	125,787	69,124	-0-	-0-	-0-	6	679,033	33%
83	371,283	166,860	147,173	-0-	-0-	-0-	66,360	-0-	-0-	-0-	4	751,676	31%
84	302,984	125,628	113,555	180,973	-0-	-0-	66,360	-0-	-0-	18,596	7	816,996	30%
85	327,047	167,168	-0-	288,733	-0-	-0-	-0-	-0-	-0-	25,276	4	808,224	29%
86	359,808	180,880	-0-	293,251	-0-	-0-	-0-	-0-	-0-	17,202	4	851,141	27%
87	410,498	175,990	-0-	497,727	-0-	-0-	-0-	-0-	79,000	-0-	4	1,163,215	34%
88	?$_1$	?	?	?$_1$	?	-0-	?$_1$	-0-	190,000	-0-	?	?	?

? The programs with question marks are the programs that we have submitted proposals for FY 88. These are all competitive monies where we compete against other colleges and universities, both public and private.

?$_1$ The programs with a ?$_1$ are programs that we have submitted proposals for but that President Reagan's FY 88 budget request has zeroed out.

Glossary:

:Title III = Higher Education Act Title III

:Title IVB = Indian Education Act (Education Personnel Development)

:Title IVC = Indian Education Act (Adult Ed) (This is not really college level but the GED program feeds students to the College.)

:Voc Ed = Vocational Education (Indian Set Aside)

:Title VII = Bilingual Education (Education Personnel Development)

:Basic Skills = No longer a program

:Nursing = Public Health Service Nursing Training (3 year grant - only sure one)

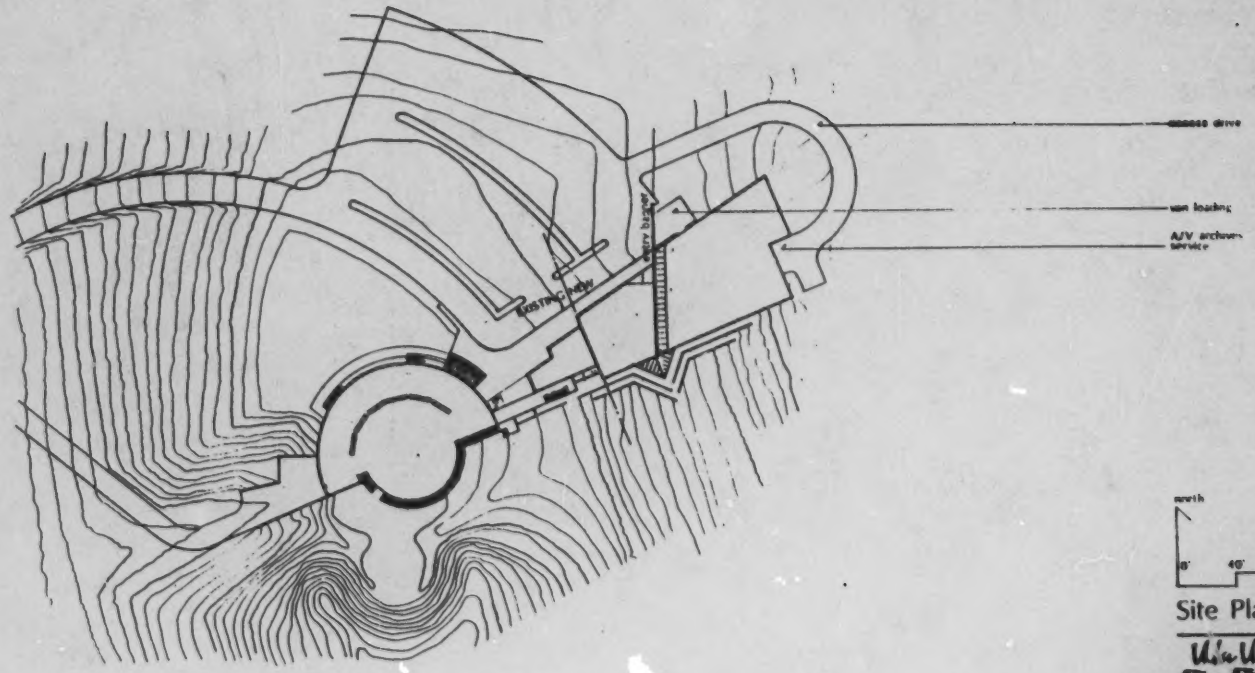
Prepared By:

Tom Allen
Director of Development

ATTACHMENT 2

ATTACHMENT 3

(23 Dec 86)
Draft

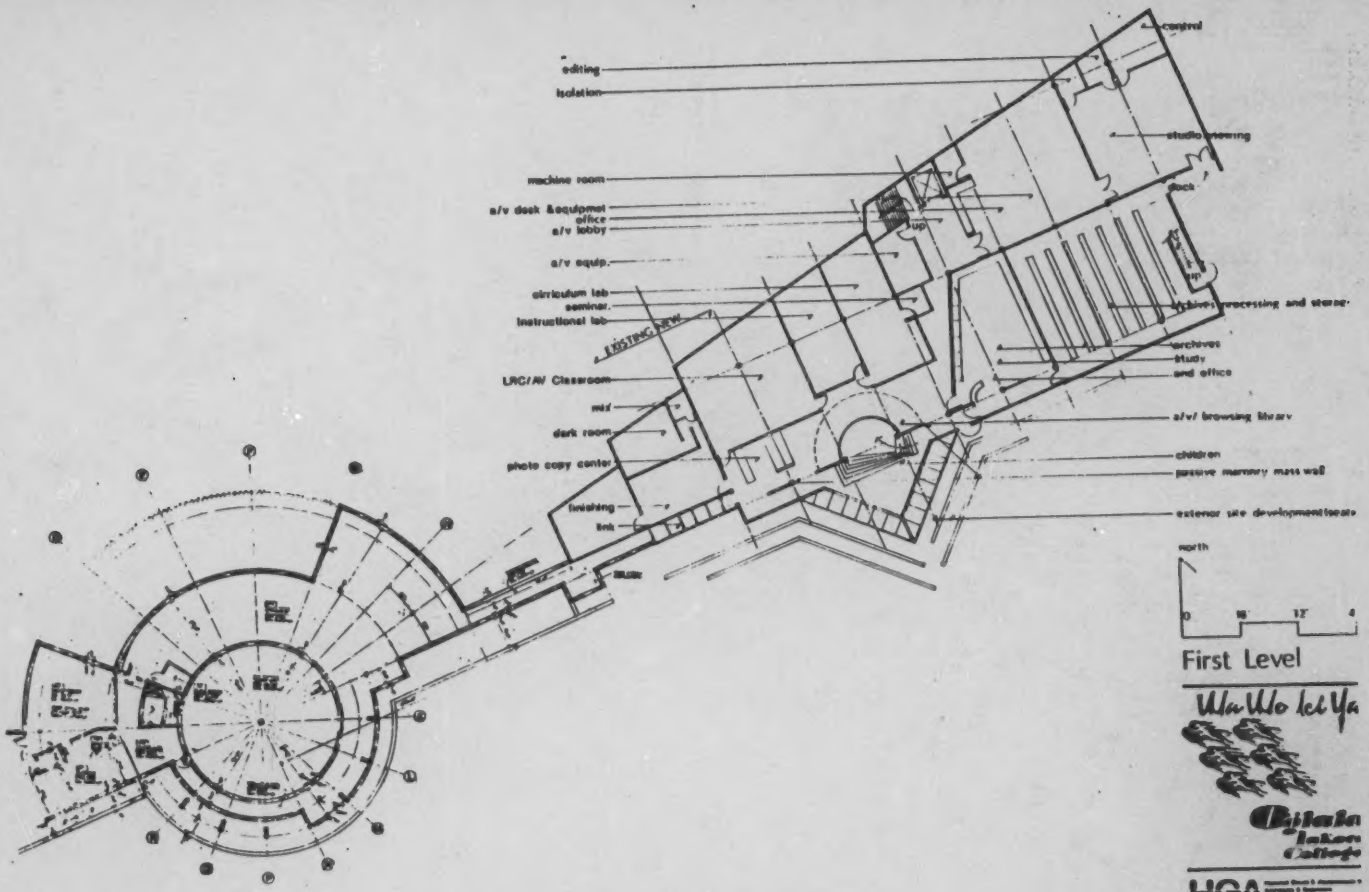


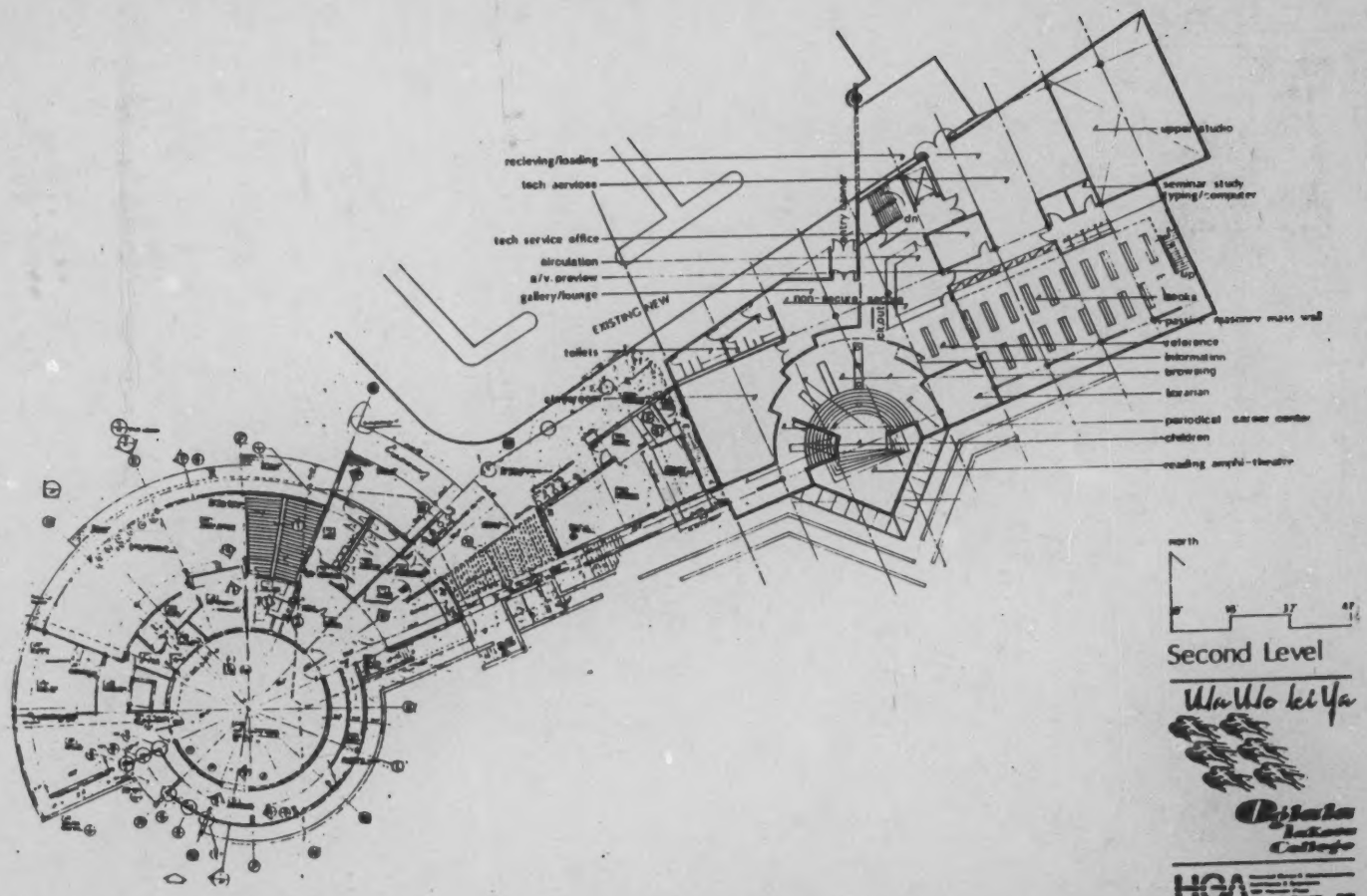
Site Plan

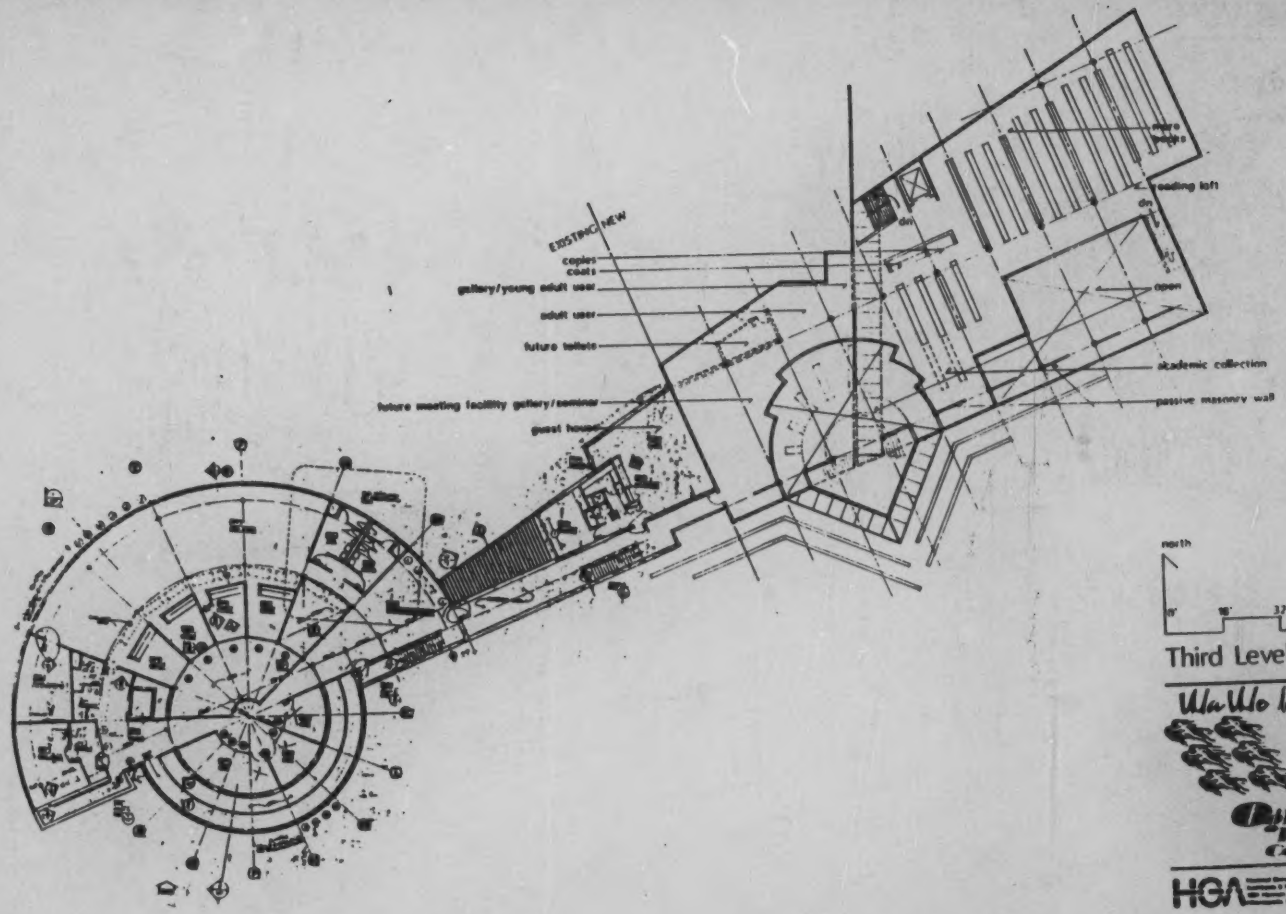
Ui'u Ulo lei Ya

Dillard College

HGA


editing
isolation
machine room
a/v desk &equipmet
office
a/v lobby
a/v equip.
curriculum lab
seminar
instructional lab
EXISTING NEW
LRC/AV Classroom
mid
dark room
photo copy center
finishing
link
control
studio viewing
deck
archives
study
and office
a/v/ browsing library
children
passive memory mass wall
north
0
8'
12'
First Level
Ulaulo kei Ya
Dakota
Tribal
College
HGA


recieving/loading
tech services
tech service office
circulation
a/v. preview
gallery/lounge
toilets
upper studio
seminar study
typing/computer
books
reference
information
browsing
lecture
periodical career center
children
reading amphi-theatre
north
Second Level
Ulu Ulo kit Ya
Oglala Lakota College
HOA

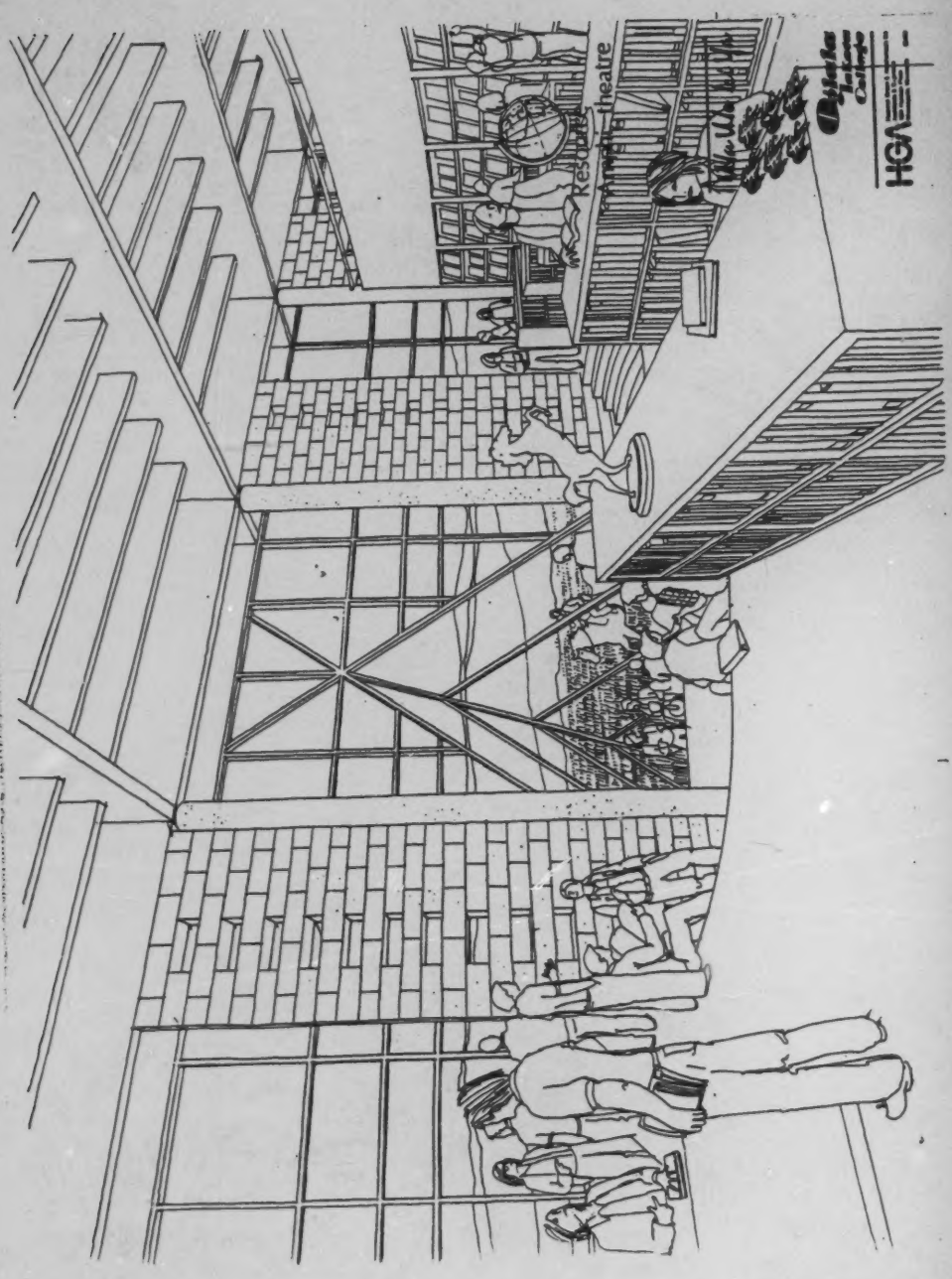


Third Level

Ulaulo kei Ya

Ojibwa Indian College

HGA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OGLALA LAKOTA COLLEGE
COMMISSION NUMBER 988.001.00

PROGRAM SUMMARY

The following is the fifth and final draft of space projections for the combined Learning Resource Center (LRC), Audio-Visual Center and Oglala Lakota Archives. This draft incorporates the appropriate quantitative standards established by a California accreditation board for permanent facilities based on the current 600 full-time equivalent (FTE) enrollment. It also improves the minimum space requirements for a community of 20,000 population. (Interim Standards for Small Public Libraries: American Library Association.)

The detailed space and facility assignment is based on a continuing dialogue with Dicksey Howe and her staff, and a very complete facilities program and 5 year plan. (October 1986.) Individual program areas have fluctuated from an "ideal" to "survival" level. We feel the following projections realistically provide the "critical mass" necessary to function properly with some flexibility for growth and future program changes.

	FUNCTION	AREA	FLOOR LOCATION
A.	User Areas		
1.	Circulation Desk	300	2
2.	Youth Adult Service Desk	50	2
3.	Browsing (seating for 10)	300*	2
4.	Information Reference Desk	50	2
	Subtotal	700	
B.	Books and Readers		
1.	Academic Collection (seating for 24)	600	3
2.	Books (35,000 to 40,000 volumes)	4,125	2/3
3.	Reference (3,200 -3,588 volumes)	500	2
4.	Periodical (200 - 300 volumes)	300*	2
5.	Career Information Area	300	2
6.	Adult User Space	0	3
7.	Young Adult (combined with Adult User/Academic Collection)	350	3
8.	Children	500*	2/1
	Subtotal	6,675	
C.	Technical Services		
1.	Ordering/Cataloguing/Processing	800	2
2.	Receiving Loading	400	2
3.	+ Loading Area Exterior (for large van)		
	Subtotal	1,200	

D.	Special User Facilities			
	1. Photo Copy Center	200		1
	2. LRC Classroom #1 (24 student stations)	1,000		1
	3. LRC Classroom #2 (24-30 student stations)	800		2
	4. LRC Classroom #3	Future		3
	5. Typing Computer Use Area (4 stations)	150		2
	6. Study Group Rooms (2 at 60 each)	120		
	7. Meeting Facility/Gallery	Future		3
	8. Seminar Room (located with curriculum development area)	50		
	Subtotal	2,320		
E.	Archives			
	1. Reading/Study Room (30-35 users)	1,000		1
	2. Processing and Storage (with dock access)	2,000		1
	Subtotal	3,000		
F.	Audio-Visual			
	1. Browsing Library	300*		1
	2. Audio-Visual Information Desk	900		1
	3. Equipment Room	800		1
	4. Instructional Design Room	500		1
	5. Curriculum Lab (with D8 Seminar Room attached)	600		1
	6. Control Room	200		1
	7. Editing Room	80		1
	8. Isolation Room	60		1
	9. Studio/Viewing	900		1
	10. Dark Room	300	(in existing building)	
	11. Mixing Room	60	(in existing building)	
	12. Finishing Room	300	(in existing building)	
	Subtotal	5,000		

G. Administration

1.	Director's Office (adjacent reference area)	200	2
2.	Technical Services Office (adjacent Circulation and Technical Services)	150	2
3.	Audio-Visual Office (directly in Audio-Visual Information/ Equipment)	150	1
4.	Archives (included in Study Room E1)		1
	Subtotal	**500**	
	Subtotal of A - G	**19,395**	
	Miscellaneous Services and Circulation (33-1/3%)	**6,400**	
	Total Program	**25,695 - 26,000 s.f.**	

* These spaces will be integrated into double use with circulation for maximum efficiency.

rem/39/78

OGLALA LAKOTA COLLEGE
COMMISSION NUMBER 988.001.00

SUMMARY OF COST PROJECTIONS

The following projection of costs is based on established indexes for this area of the country (South Dakota) as well as the Building Type (Learning Resource Center/Library). In order to achieve the maximum in useable and creditable facility for the College, the building has been zoned and budgeted in three different areas.

1. The First Level of the facility is primarily dedicated to Audio/Visual, Archives, related study and support area for the LRC and College. This has been budgeted/projected at the "low" cost index for the area, providing functional but minimum finish space.

   11,000 SF at $56.80/SF = $ 624,800

2. The Second Level of the facility provides the critical mass of the LRC, related classroom and support for the College Library System. This has been budget/projected at the "medium" cost index for the area and building type with average finishes and building services.

   9,120 SF at $70/SF = $ 638,400

3. The Third Level (loft) of the facility is primarily library stacks and adult study area with area for growth and additional classroom, gallery, meeting and toilet space. This has been budgeted as unfinished loft space with only basic building systems of structural, mechanical, electrical, and elevator service. (Approximately 60% of medium building costs.)

   6,870 SF at $45/SF = $ 309,150

   Total Projected Cost of Building = $1,572,350

Other projected costs necessary to complete the facility include the following:

Site development and contingency 10% = $ 157,235

Remaining Architectural and Engineering Fees (design development, contract documents, and contract administration). = $ 120,000

Total Project Cost of Facility (building, site and engineering). = $1,849,585

Note: Building Equipment and Furnishings should be provided under separate budget.

rem/39/80

ATTACHMENT 4

OGLALA LAKOTA COLLEGE
P.O. BOX 490
KYLE, SOUTH DAKOTA 57752

MEMORANDUM

Oglala Lakota College
Endowment Report - 1986 (Calendar)

TO: Board of Trustees

FROM: Tom Allen TA/jc
Director of Institutional Development

DATE: January 21, 1987

RE: Endowment Report - 1986 Calendar Year

This is the last Endowment Report that will be done on the calendar year. After this reports will be done on a fiscal year basis to conform with the audit and make for easier reconciliation and more accurate figures. Unaudited figures for 1986 (Jan. 1, 1986 - Dec. 31, 1986) are:

Revenue 1986		
	$ 4,341.50	Staff Deductions
	994.00	Board of Trustees Deductions
	526.00	Local Board Deductions
	2,184.00	Direct Mail (MW list)
	30.00	Alumni Mailing
	400.00	Vendor Mailing
	2,500.00	ATT
	97.20	United Way
	7,740.00	Save the Children (rent)
	$18,812.70	

History 1975-86

	Beginning	Donations	Ending
1975	0	0	0
1976	0	$214,000 (WILMS)	$214,000
1980	$214,000	$ 20,000 (Richtmeyer)	$234,000
1982	$234,000	$ 500 (Vincent)	$234,500
1984	$234,500	$ 9,684.44 (various)	$244,184
1985	$244,184	$ 16,156.78	$260,340
1986	$260,340	$ 18,812.70	$279,152

I. Revenue Source Information:

- Staff Deducctions: 76 of 97 are giving as of 12/26/86.

- Board of Trustees Deductions: 11 of 12 BOT members are giving as of 12/86.

- Local Board Deductions: Members of 5 local Boards are giving as of 12/86.

- Direct Mail: No major direct mailing was done in 1986. Donations came in response to individual letters and Christmas cards sent in December, 1986. As of 12/86 OLC had a donor list of 93. In August $50,000 was received from Exxon to do major direct mail testing. On January 7-8, 1987 $51,404 pieces were mailed.

- Alumni Mailing: On May 2, 1986 donation letters were sent to 309 graduates. We received a total of $30 from 2 graduates.

- Vendor Mailing: On December 17, 1986 donation letters were sent to 480 vendors which OLC deals with. As of 12/31/87 3 vendors donated $400. Returns are still coming in.

- ATT: A donation of $2,500 was received from ATT as a result of our visit to New York in November, 1985.

- United Way: We received $97.20 from the United Way of San Diego as a result of a $120 dollar donation by someone. United Way deducts 19% for costs.

- Save the Children: We receive $645 a month rent from SCF for an office at Piya Wiconi.

II. Endowment Investment and Use:

- Olive C. Wilms: On 2/11/86, we put $214,000 in 1st National Bank of Gordon in a 5 year Certificate of Deposit at an annual yield of 9.3% or a total of $19,902. This money is currently used for the Financial Aid Director's salary.

- Richtmeyer: On 2/11/86 we put $20,000 in 1st National Bank of Gordon in 5 year Certificate of Deposit at an annual yield of 9.3% or $1,860. This money is distributed in scholarships for students by the Student Services Committee.

- AMCAP Fund: On 9/16/86 we invested $15,010.22 in the AMCAP Fund through Piper, Jaffray and Hopwood. American Mutual is a common stock fund with a yield over the past 12 months of +28.06%. Initial purchase was 7.5% so we can forecast about 20% increase by September, 1987. This money is allowed to accumulate.

- Alliance Mortgage: On 9/16/86 we invested $14,982.24 in the Alliance Mortgage fund which is a managed government bond fund which had a 12 month yield of +12.81%. The cost of purchase was 5.5% so we can forecast about 8% increase by September, 1987. This money is allowed to accumulate.

- Savings Account: The balance of the endowment is in a savings account at 1st National Bank of Gordon. Current interest rates are 5.29%. The balance as of 1/2/87 is $8,333.43

ENDOWMENT INFORMATION SHEET

prepared by
Tom Allen, Oglala Lakota College, September, 1986

*In speaking about U.S. colleges' lack of adequate endowment, George Keller in Academic Strategy says:

> "Nine out of ten institutions in the U.S. therefore, are precariously financed, and many live at the brink of jeopardy and instant retrenchment."

What is an Endowment?

Money is placed in a fund (principal) and only the income (interest) is used.

Why is an endowment needed?

A capital base is important. As expense rate grows, the capital base should grow. Stocks and bonds are to a corporation as an endowment is to a college (non-profit).

It is used to: sustain program levels of service and excellence.
: maintain new facilities
: handle shortfalls and cash flow problems
: match federal dollars
: finance - new activities
- research and development
- plant and equipment
- curriculum improvement
- staff development
- scholarships

How much Endowment is needed?

- Of the 3,120 colleges in about 50 college have 100 million dollars or more and about 200 colleges have 10 million dollars or more.
- Some other examples:
  - Bacone College (OK): $5 Million
  - Benedict College (SC): $840,000 in 1973 to $20 million in 1984
- Area colleges:
  - Grinnell College (IA)-$99 M $88,000 per student
  - Colorado College (CO)-$39 M $20,000 per student
  - St. Olaf (MN)-$14 M $ 4,661 per student
  - Augustana College (SD)-$4.1 M $ 2,095 per student
  - Oglala Lakota College-$267,000 $ 381 per student

Our goal at OLC is 5 million dollars in endowment by 1990. This would provide about $500,000 to $600,000 for OLC's use per year.

How to Raise Endowment?

* demonstrate need for enlarged capital base
* prove organization and endowment managed efficiently
* show additional dollars needed for useful services
* have policy for investment (guidelines, professional management, committee review)
* generate read, defensible financial forecasts
* show you are helping yourself

Why donors give?

Reasons:

- tax advantages
- concern over problem
- interest in activity
- social and psychological satisfaction
- person who solicits
- how asked

Oglala Lakota College's Plan for Raising Endowment:

- Board of Trustees deductions
- Staff deductions
- Alumni mailings
- National direct mailings
- National support group for events and major gift solicitation

PREPARED STATEMENT OF FRANK LaPOINTE

My name is Frank LaPointe of Rosebud, South Dakota, speaking on my own behalf as a member of the Rosebud Sioux Tribe. I am a former member of the Board of Directors of Sinte Gleska College and a former member of the Rosebud Sioux Tribe Education Committee.

I was educated for 16 years by educational systems on and off the reservation and I wasn't taught anything about tribal government. It wasn't until I was home on leave as a U.S. Navy journalist that I discovered tribal government while helping out at the Sioux Chronicle office in Rosebud. I knew federal government because it had a regulation to say "no" to anything while my family was in the cattle business. I knew state government because it had laws on anything it could enforce on the reservation. But I was so naive I didn't know that we as tribal members with our own government did not need to live under complete domination of an agency of the federal government or that state government was intruding on our rights to tribal self-government.

From 1963 to 1971, I edited the Rosebud Sioux Herald (Eyapaha) and took a look at tribal government from the outside. Since 1978 I've taken a look from the inside as a tribal council representative and as chairman of the Tribal Governmental Affairs Committee for the past four years. I've given you this background, not because I speak for the Tribe or any of its Committees, but only to show you that I'm not coming from left field.

S.1645

Since the proposed Senate bill on Indian Education and also H.R. 5 are amending many different laws in many different sections resulting in many complicated consequences that I haven't figured out yet, I was to come here to listen. Then I read Sec. 303 in the "Indian Education Amendments Act of 1987" proposed by Senators DeConcini, Inouye, Daschle, Burdick, et al. This section mandates that tribal colleges take the lead to meet the needs of the gifted and talented tribal children -- a concept that I supported earlier by letter to the Senate Select Committee.

To get to the meat of my testimony, I've worked since 1972 at the St. Francis Indian School, which the Committee has supported for new school construction, and for this our children and grandchildren will be grateful after you and I have been long gone. My job has been in the business end of operating a school but I've taught in the evenings part-time at Sinte Gleska College since it was founded. My observation is that the thrust of education by tribal colleges and tribal schools has been to gain knowledge in a tribal environment of the outside world because we have to deal with it every day. On the other hand, we also have to deal with our own world, part of which is tribal government. We need to increase and accelerate whatever progress is being made in the education of tribal children in regard to their government, just as you have proposed to do for the education of the gifted and talented.

Book after book, article after article, and word after word, usually from a non-tribal point of view, has been written about the rights and the benefits of tribal self-government, and they could more than fill this hall named in honor of one gifted and talented Lakota hoksila made good (Billy Mills). But until tribal governments gain the respect of the United States, the states of the Union, and their own tribal people, all these books, articles and words will remain only a dream for most of us. Our generations to come need to know tribal government like the palm of their hand, so they can make changes to deal with the long-standing complications that have resulted since the Lakota tribes, with their own governing system since 8,000 B.C. or so, came into contact with the U.S. government in 1776 and the state government in 1889.

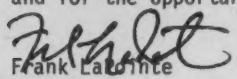
To make a long story short, I've been learning about tribal government and its relationship to the federal and state governments for 24 years of my adult life, on a hit and miss basis, sometimes mislead by misinformation, misinterpretation, rumor, and suspicion. Yet as tribal members, we are expected to deal with complicated issues 200 years old as far as the United States goes and nearly 100 years old as far as South Dakota goes. How much more effective in solving problems from this relationship would we be if we were more knowledgeable about tribal government.

Our children need the educational opportunity at the elementary, secondary, and postsecondary level to learn from accurate and true accounts of tribal government. Even if such courses are now being offered, too often they are presented from a non-tribal point of view, and based upon someone's in-built bias and misinterpretation.

Just as you have proposed an educational remedy to meet the needs of gifted and talented tribal children, I ask your consideration for the same kind of treatment for tribal children who need to learn more about tribal government from programs developed by Sinte Gleska College, the Navaho Community College, and other colleges of the American Indian Higher Education Consortium.

By the way, I support the gifted and talented section of the proposed Senate bill. If we had that in our day, I'd probably be sitting where you are today.

Thank you for coming to an Indian reservation to hear the views of the people, and for the opportunity to present this testimony.



Frank LaPointe
Box 188
Rosebud SD 5770

PROPOSED LEGISLATION ATTACHED

PROPOSED ADDITION TO "INDIAN EDUCATION AMENDMENTS OF 1987"

INSERT ON PAGE 43 IMMEDIATELY AFTER LINE 7 (Section on Gifted and Talented)

INSTITUTES OF TRIBAL GOVERNMENT

Sec. 304. (a) The Secretary of Education shall establish Institutes of Tribal Government located at Sinte Gleska College and Navajo Community College, and shall make grants to and enter into contracts with the Sinte Gleska College, the Navajo Community College, and the American Indian Higher Education Consortium for demonstration projects designed to address special needs of tribal children at the elementary, secondary and post-secondary level in tribal government and its relationship to the federal and state governments.

(b) Demonstration projects under this section may include --

(1) the identification of special needs of tribal students, particularly at the secondary level, with attention to their need for using tribal government to solve long-standing problems with other governments;

(2) the conduct of educational activities which hold reasonable promise of resulting in substantial pro-

INSERT NEW PAGE 44 and RENUMBER PAGE 44 to 45

gress toward meeting the needs of such tribal children, including, but not limited to, demonstrating and exploring the role of traditional tribal governments in context with tribal governments set up under the Indian Reorganization Act of 1934 and exposure to the relationship among tribal, state, and federal governments;

(3) the use of audio-visual and related materials;

(4) the use of tribal persons knowledgeable and/or experienced in traditional tribal governments and/or in tribal governments established since 1934;

(5) tribal leadership programs designed to replicate progress of such tribal children, including dissemination of information derived from the demonstration projects conducted under this section;

(6) the creation of alternative forms of tribal government to deal with long-standing complications arising from the relationship of tribal government to state and federal governments since their founding.

(7) appropriate research, evaluation, and related activities pertaining to the special educational needs of such tribal children in regard to tribal government.

(c) The Secretary of Education shall facilitate the establishment of a national network of Institutes of Tribal Government, and ensure that the information developed by these institutes shall be readily availble to tribal governments and elementary, secondary and post-secondary

INSERT NEW PAGE 45

schools, on or near Indian reservations throughout the United States.

(d) In addition to any other amount authorized for such projects, there is authorized to be appropriated $5,000,000 for fiscal year 1988 and for each succeeding fiscal year through fiscal year 1993. Such sums shall remain available until expended.

RENUMBER LINE 8 ON PAGE 43 TO LINE 8 ON NEW PAGE 45 (TITLE IV, etc.)

RENUMBER PAGE 44 TO NEW PAGE 46

PREPARED STATEMENT OF WILLIAM A. MEANS

My name is William Means and I am the Executive Director of Heart of the Earth Survival School in Minneapolis, Minnesota. The following is submitted on behalf of Heart of the Earth. Heart of the Earth is an urban Indian controlled school offering basic and supplemental educational programs for Indian children K - 12. We also offer adult education programs for the Indian community.

Heart of the Earth has been in existence for 16 years and has served hundreds of students. The Indian students we serve are many times those students which the public schools either have "pushed out" or failed to serve adequately. The program we offer our students at Heart of the Earth is rich with the culture and traditions of our People. Also, we have worked many years to integrate these tradtions and teachings into the basic academic program offering the students an educational curriculum which is centered on their culture. We are proud of our graduates many of whom have come the full way through our school.

Heart of the Earth has stuggled in recent years due to the actions of the Office of Indian Education. This discrimination has been intended to restrict access to the urban schools in particular and to Indian Education in general.

We have some comments to offer recommending ways of having the Indian Education Act continue to provide assistance to Indian communities across the nation in general and Heart of the Earth specifically so that these schools and programs can continue to provide quality educational programs for Indian children and adults. The recommendations we make come from our involvement in Title

IV, Indian Education Programs, Public Law 92-318, 20 U.S.C. ss 241aa-241ff, as amended in Public Law 98-511 of 1984, 34 C.F.R. s 250, et seq.

RECOMMENDATIONS REGARDING THE REAUTHORIZATION OF TITLE IV THROUGH 1993

The reauthorization of the Indian Education Act by the House and the Senate is evidence of their continued support of Indian Education. The House of Representative Resolution, H.R.5, as passed, and the proposed Senate Bill, S 1645, would recommend reauthorization of Title IV until 1993. The continued support of Indian Education by both houses of Congress is "[i]n recognition of the special educational needs of Indian students in the United States . . . [so that there may be] school programs specially designed to meet these special educational needs." 20 U.S.C. s 241aa.

Congressional support of Indian Education in recognition of the Nation's trust responsibility to Indian people has remained strong since the passage of the Indian Education Act of 1972. The Administration would deny the legal validity and moral responsibility of the United States' trust responsibility to Indian people. This, however, is a mere fluctuation in the course of government policy; the legal basis and moral weight of the trust doctrine continues. Mere disregard by the Administration cannot destroy a vital doctrine which Congress, aware of the federal government's trust responsibility to Indian People, has continued to respond to in an ethical and responsible manner.

It is necessary, however, to address some of the recommendations of the Administration in its proposed amendments to the "Indian Education Act of 1987". These recommendations from the Administration must be reviewed in order to understand the negative impact they would have on Indian Education should its policies and recommendations be incorporated into the reauthorization of Title

IV, and implemented. The bill offered by the Administration would be a significant retreat from the existing Indian Education Program. The Administration's proposal would repeal certain existing programs which are serving a significant purpose: adult education services, 34 C.F.R. part 257, Educational Services for Indian Adults; teacher training, 34 C.F.R. Part 256, Educational Personnel Development; and post-secondary fellowships, 34 C.F.R. Part 259, Fellowships for Indian Students. Also, completely eliminated would be the Part A, Establishment grant category thus precluding the development, with government support, of new schools. Other, equally detrimental proposed changes will be discussed below, but the key fact to be noted is that the regressive nature of the Administration's proposed amendments is in keeping with their prior efforts to undermine Indian Education.

The Administration's policy continues to be to recommend completely closing down Title IV, Indian Education Programs, and granting the program no monies except for that necessary to put papers in storage. Last year during the 1987 / 1989 funding cycle, the Administration recommended all Title IV programs, except Part A, Entitlement, be shifted to the Bureau of Indian Affairs. The impact of the Administration's unsuccessfully proposed shift of the majority of the Title IV program categories to the Bureau of Indian Affairs would have been to effectively shut down Title IV programs currently serving Indians residing in urban areas since the Bureau of Indian Affairs does not serve Indians in urban areas. The urban Indian schools such as Heart of the Earth Survival School and Red School House would have been effectively eliminated. Also, the Administration's proposed amendments would cut back funding levels for Indian Education generally.

The programs carried out under the Indian Education Act, both those serving Indians in urban as well as reservation areas, have a strong history of success.

Yet, the Administration proposes to completely eliminate these effective, innovative programs which could provide models for other educational communities.

Return To Historic Funding Levels

Public schools are the prime recipients of Indian Education Act funding under Part A, Entitlement or formula grants. All decreases occurring in recent years have been taken out of the hides of the Indian controlled schools. Also, overall there has been a consistent decline in funding levels for Title IV, Indian Education Programs since 1980 / 1981. Current funding levels are below the 1979 level. The only increase over the 1979 funding level is for the offices and administration of Office of Indian Education itself.

Fiscal Year	Part A	Part B	Part C	Admin	Total
1988	$47.2	$11.569	$3.0	$2.466	$64.234 million
1981	$58.52/high	$14.5	$5.43	$3.5/high	$75.9 million
1980	$52.0	$15.6	$5.83	$2.47	$75.9 million
1979	$48.0	$15.5	$5.93/high	$2.305	$71.735 million
1976	$35.0	$16.0/high	$4.0	$2.1	$57.055 million
1974	$25.0	$12.0	$3.0	$1.8	$41.759 million

The highest level of funding was in 1981, for which the appropriations were set in 1980. Since then Title IV funding has steadily decreased. Funding levels for Part A, Entitlement or Formula Grants to public schools and the Administration have remained constant or increased. Meanwhile funding levels for the Discretionary Grant Categories, Part A, Establishment of Indian Controlled Schools; Part A, Enrichment for Elementary and Secondary Indian Students; Part B, Educational Services & Planning, Pilot and Demonstration Project for Elementary and Secondary Indian Students, Educational Personnel Development,

and Fellowships; and Part C, Educational Services & Planning, Pilot and Demonstration Projects for Indian Adults have steadily been depleted to provide increase for the other two funding categories. Part C, Educational Programs for Indian Adults, is currently at its 1974 level, and the Part B, Educational Progams for Elementary and Secondary Indian students are currently below the 1976 level. The Administration proposes further slashes in the budget as well as total elimination of certain grant categories.

The level of appropriations has not kept pace with the increases in the Indian population. At present, over 50% of the Indian population is under eighteen years of age and thus the numbers and needs of Indian students are continually increasing. Further, while other national programs receive increases to account for flutuations in real dollar values, the appropriation levels for Indian Education Programs decrease or remain constant.

Multi-Year Funding For Projects

Multi-year funding should be statutorily expressed. The provision of programs on a long term basis is necessary for stability of operations and staff and for the continuity of educational development.

Prior to 1981, the grant applications for the Title IV, Indian Education Programs specified that multi-year funding could be applied for and awarded. Multi-year funding afforded the funded projects an adequate timeframe in which to start up then fully carry out the designed project. This is especially important in Planning, Pilot, and Demonstration Projects. Further, multi-year funding affords stability and continuity to successful programs. It is recommended that multi - year funding be returned to all Title IV, Grant Categories.

It is impossible for us to plan for the upcoming schoolyear, hire adequate staff who have time to prepare for the schoolyear without knowing where the monies to fund programs is coming from.

A. ELIGIBILITY REQUIREMENT FOR INDIAN STUDENTS

We would like to make a comment regarding the proposed change regarding "Proof of Eligibility". Of course, it is fine for Tribes to define who their members are and when the Tribe identifies them as Indian they should be accepted as such and as Indian students period. However, services to Indian students must not be dependent on the definition of him or her as a member. The existing definition relating to blood quantum and relationship by generation must be maintained to adequately make services available to all Indian students desiring such.

What must be cautioned against is forcing students to stand outside classroom doors for days waiting until there is identification by a non- responsive Tribal registrar or acknowledgement by a missing father before they can enroll in school. Further, since some Tribes chose to define their membership differently including perhaps one - half blood quantum or requiring that blood quantum be greater in that Tribe than anywhere else, some children who have up to full-blood Indian blood may not qualify in any tribe, and some Tribes allow or disallow membership based upon a requirement that a particular parent, the mother or father, be a member of the Tribe. See, Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978).

The current practice of the Office of Indian Education is that those students coming within the Title IV, statutory definition of "Indian" are eligible for Title IV services. Indian Tribes, as an attribute of their sovereignty, define who the members of the Tribe are. See, Santa Clara Pueblo v. Martinez. The definition of "Indian" used in determining eligibility of Indian children and adults for educational services under Title IV Programs is specified at Section 250.4(b);

> "Indian" - except as noted in §250.5(b) - means an individual who is (1) A member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and

> those recognized by the State in which they reside; (2) A descendant, in the first or second degree, of an individual described in paragraph (1) of this definition; (3) considered by the Secretary of the Interior to be an Indian for any purpose; or (4) An Eskimo or Aleut or other Alaska Native.

Federal Register, Vol. 49, No. 111, Thursday, June 7, 1984, Final Rule. The present definition of "Indian" utilized in Title IV programs allows for immediate provision of services to Indian children and adults who, by information collected at their enrollment in the Title IV Project, comply with the definition of Indian stated at S250.4(b).

H.R. 5 proposes to amend the Indian Education Act such that a new "Proof of Eligibility" requirement is proposed as Section 8302 which would basically add to S250.4(b) after "A member" the phrase: "as defined by the tribe, band, or other organized group". Further, a final section would be added to the requirements necessary to prove eligibility for Title IV services which would state: "is determined to be an Indian under regulations promulgated by the Commissioner after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term 'Indian'."

The broad definition in the current Indian Education Act as to "Indian" is suitable and should generally be maintained. Suggestions that Tribes be allowed to define their membership are appropriate and anyone defined as a member by the Tribe should be considered an Indian student. However, care should be made to be certain that the Tribal definitions of their own membership do not exclude others who fall between the cracks. Students who have a background of fractional blood from several Tribes and qualify for membership in neither. They should not be excluded from the benefits offered under the Act.

Section 453(c) of H.R. 5, Determination of Eligibility, proposes that the determination of who falls within the definition of "Indian" as specified in

Section 453(a), tribal definition of who is an Indian, shall "vest solely with the parent committee and the local educational agency."

The proposed legislation, H.R. 5, Section 453(b), speaks to utilizing the 506 forms for statistical purposes, but not for the purpose of establishing eligibility. It is recommended that the proposed reauthorization of Title IV specify that responses by parents to such forms is optional.

The current practice of the Office of Indian Education is that the 506 forms issued by Title IV are used for counting numbers of eligible Indian students benefitting from the program. The use of the 506 forms is currently not mandatory and it is recommended that the prescription for their use continue that they are optional or voluntary.

Unless this is made clear, the existence of these forms may be abused by schools by diverting the time of instructors away from providing Title IV services to the children and toward tracking down parents to complete 506 forms. This was done by Minneapolis public schools when their Title IV program diverted all tutors (approximately 16) in order to track down parents and have them fill out the 506 forms.

B. TITLE IV SHOULD CONTINUE TO SERVE BOTH URBAN AND RESERVATION INDIAN COMMUNITIES

Over half of the Indian people and a disproportunately large number of Indian children live in urban areas rather than reservation areas and it is essential that the services to these Indian children and adults continue uninterrupted by paperwork difficulties with forms going back and forth to Tribal registrars in the several states where the various Tribes these members of the urban Indian community belong.

At present, the Titile IV grants are awarded to applicants who may be Indian tribes, Indian organizations, local educational associations, state educational

organizations, federally supported elementary and secondary schools for Indian children and other educational institutions. There is no geographic distinction between urban and reservation programs. The award of the grants is based on selection criteria including "need". Need for Indian Education Programs is equally present in the urban setting for Indians as in the reservation setting.

The Administration's proposed amendments would prioritize applications from "rural" or reservation areas and thus concurrently penalize the urban programs in the area of adult education category.

The proposed deletion of Adult Education Services in conjunction with the prioritization of "previously underserved areas" for the remaining adult education category, Planning, Pilot and Demonstration is merely a way of precluding currently successful urban programs from receiving further Title IV funding.

Further the change in the definition requiring the Tribe to make the final determination of who is included within the definition of "Indian" would place the urban programs at a disadvantage. The urban Title IV programs would be required to establish extensive correspondence with the various tribes throughout several states from which their student population is drawn. Though the Indian children and adults at the urban programs are certainly as eligible for Title IV services as those in the reservation setting, this extra administrative procedure of obtaining verification of membership from the tribe will create a disadvantage for the urban Title IV programs.

As is illustrated in the action intiated by Red School House and Heart of the Earth against the Office of Indian Education, urban Indian schools, as the decision outlines very well, are meeting the purposes of the Indian Education Act and have a documented history of successful administration of Title IV projects. It is worth noting that Heart of the Earth Survival School currently operates the

only Title IV, Part C, Adult Education Program within a prison setting serving Indian inmates. The proposed Administrative changes to the Indian Education Act would preclude funding for this project.

C. CONTINUATION OF PROGRAMS PROPOSED FOR DELETION UNDER THE ADMINISTATION'S PROPOSED AMENDMENT

We recognize that Congress has been mindful of the national purpose in pursuing Indian education and has therefore been quite critical of such Administration proposals. However, we must all remain the vanguard against hese disruptive initiatives.

The Administration's proposed amendments to the Indian Education Act would repeal or eliminate four current Title IV, grant categories: Part A, Establishment of Indian Controlled Schools; Part B, Educational Personnel Development; Part B, Fellowships for Graduate Students; and Part C, Educational Services for Indian Adults.

The purpose of Part A, Establishment of Indian Controlled Schools is to provide "financial assistance to establish and operate Indian - controlled schools or LEA's on or geographically near reservations." Section 252.1 as published in the Federal Register, Vol. 49, No. 111, Thursday, June 7, 1984. A moratorium has been in effect for the past several years on the creation of Indian controlled schools by the Bureau of Indian Affairs. Thus, though no funding has been available recently for the creation of new Indian Controlled Schools, it is imperative that Part A, Establishment, continue as a Title IV category since the vitality of Indian self-determination and self-governance is interwoven with Indian control of the education of their children. Though funding levels have not currently been available for the establishment of new Indian Controlled Schools, it is essential that this avenue of Indian self-determination remain open.

Part B, Educational Personnel Development and Part B, Fellowships for Graduate Students are also slated for elimination under the Administration's proposed amendments to the Indian Education Act. Both Title IV grant categories provide Indian adults with the educational training to come back and serve their communties - whether urban Indian communities or those in the reservation. As Indians work to achieve the self-sufficiency and the economic resources, which it is the declared policy of this Administration that they achieve, it is necessary that quality teacher training programs and graduate level education be available to them so that they may develop the skills and receive the formal training to achieve these objectives.

Further, the Administration's proposed elimination of Part C, Educational Services for Indian Adults would leave intact in Title IV only Part C, Planning, Pilot and Demonstration Programs for Indian Adults. Surely a threshold question must be asked. What purpose do model adult education programs which have been "planned, piloted and demonstrated" through Title IV funding serve if there are no educational service programs to then implement these funded model programs which have been developed? The Educational Services Projects funded through Title IV have provided many Indian adults with the support and academic instruction to attain their GED's, an initial stepping stone to vocational training or college. Considering the history of failure that public schools have evidenced in educating Indians, there is a substantial population of Indian adults in need of these educational services programs under Title IV.

D. INDIAN PREFERENCE FOR OFFICE OF INDIAN EDUCATION PERSONNEL

It is recommended that there be Indian preference in both hiring and promotion within the Office of Indian Education, Title IV, Indian Education Programs staff. This is true under the same rationale which provides Indian preference in the Bureau of Indian Affairs under 25 U.S.C. s 472. Such Indian

preference has been held to be constitutional by the United States Supreme Court in Morton v. Mancari, 417 U.S. 555 (1974). In Morton v. Mancuri, the Supreme Court found Indian preference in the Bureau of Indian Affairs to be political distinction to which Indian people are entitled. Under the current law, Indian preference places Indian people in responsible positions within the Bureau of Indian Affairs in order to afford them control over the BIA system of which regulates policies and programs serving the Indian communities.

Indian preference is necessary to place Indian people in responsible positions within the Office of Indian Education in order to proerly reflect the cultural factors which the educational program is supposed to be based upon and operate within.

In Red School House, Heart of the Earth v. Ryan, Civ. No. 3-85-1525, United States District Court, District of Minnesota, August 15, 1986, the former director of Indian Education Programs, Frank Ryan, testified that out of sixty some employees only himself and two others were American Indian. He stated that after he left only two Indians remained on staff. One of those two has now quit and thus there is only one possible Indian staff member in the Office of Indian Education.

E. RECOMMENDED IMPROVEMENTS IN ADMINISTRATIVE METHODS OF THE OFFICE OF INDIAN EDUCATION

In order for grantees of Title IV projects to be able to more effectively initiate, implement, and administer the Title IV programs and thus to more effective serve Indian students and adult, certain changes in the policies and administration procedures of the Office of Indian Education would be very helpful.

OIE Will Not Discriminate

Red School House and Heart of the Earth v. Ryan is a decision of the United States District Court for the State of Minnesota published in 1986 which established that the Office of Indian Education, at least in that instance, departed from the published regulations and took improper actions designed to sabatoge funding to the two urban schools which offer a basic school program as opposed to supplemental projects. This decision shows the wisdom of including in a statute specific provisions directing that there be no discrimination along certain specified dimensions by the Office of Indian Education. The Office of Indian Education should specifically be required not to discriminate, in their administration policies and practices nor in the grant application and award process. The regulations currently in effect as law specifically allow for a full school program to be funded under the Indian Education Act. In-house policy directives and wrong readers instructions were pressed upon the readers of Heart of the Earth and Red School House's grant applications. The former director of Office of Indian Education attempted, by in-house directives, to preclude the urban schools from eligibility for funding. The Federal Court decision declared that distinguishing or discriminating between Title IV applicants on the basis of whether they offer a full school program or a supplemental project is illegal. Further, the Office of Indian Education should be by law precluded from discriminating against certain Title IV applicants or grantees based upon whether the school offers a full service program or smaller supplemental programs. In essence, the Office of Indian Education was found to have discriminated against the two urban schools, Red School House and Heart of the Earth, both of which have a history of successful administration of innovative quality education for Indian children and adults.

As the lawsuit demonstrates there is a need for adequate prohibition against arbitrary in-house directives by individuals whose actions are not in accordance with the legal purposes and administrative processes of Title IV.

Application and Grant Award Process

It is now only several weeks away before some schools open their doors for the new schoolyear and the Office of Indian Education has not made all of their final grant notifications. Legislation should require them to process all grant awards in a timely manner. The due date of proposals should be specified as being between the beginning of November and the end of January. Having the grant applications submitted by the end of January should mean that schools will be notified of funding decisions in sufficient time to do proper planning.

Requiring proposals to be submitted too early in the school year interferes with the start up of schools and creates a special burden on Indian controlled schools. The practical reason for this is that, in Indian controlled schools, it is generally the same people who are running the school programs as who write proposals. Public schools have these functions split. Last year proposals were scheduled to be due in early September, which suspiciously coincides with the beginning of the school year and unfortunately appears to be an attempt to make it difficult for small Indian controlled schools.

Implementing the grant application and award process in a timely fashion will enable all Title IV programs to maintain a stable level of services to their Indian service populations. Contracts for teachers and other personnel can then be signed before the end of the currently operating schoolyear so that these staff have the stability of continuing in their positions and the project has stable continuity.

The reauthorization of the Indian Education Act should require the Office of Indian Education to process all grant awards within sixty days, or another

reasonable number of days, of the due date of the grant applications. Typically, it is late summer before Title IV applicants are fully notified. It is impossible for us at Heart of the Earth to prepare for normal school operations and attract the best teachers and fully interest parents and students when plans for the school programs are unknown.

Review of Applications and Selection of Readers Criteria:

In Red School House and Heart of the Earth v. Ryan as described above, the litigation established that the Office of Indian Education made improper decisions based upon "unpublished criteria". This is not only improper, the United States Distict Court found the use of unpublished criteria to be illegal. New legislation should make it clear that any criteria which is not published and properly distributed can not be utilized in making funding decisions. This would include not only regulations, but any policies or instructions which would have that effect.

It is recommended that all criteria, both legally binding selection criteria and "informal" in-house policies, used for review of Title IV grant applications shall be published in the Federal Register, and if not so published shall be ineffective.

Formerly the policy of the Office of Indian Education was that the panel of readers who review and score the grant applications must be composed of two Indian readers and one federal employee. It is recommended that this practice be reinstated such that each reader panel shall be composed of two Indian readers and one other. These two Indian readers shall be specified not to be affiliated directly with the federal government. It is further recommended that instructions to the readers shall be in writing and shall be available for inspection upon request.

Heart of the Earth has found it difficult to receive readers' comments, even though they are repeatedly requested from the staff of the Office of Indian Education under the correct procedures. Legislation should clearly indicate that those who submit grant applications are entitled to such information promptly. It is recommended that reders comments and slates (rankings) of grant categories shall be sent to those applicants requesting them within forty-eight hours, or a similar reasonable time, of the request as we are properly entitled to receive them. The comments and slates should be made available for release upon notification of the last grant award in each graant category.

A final recommendation, which has resulted from the actions of the Office of Indian Education in responding to the District Court's order against them in Red School House and Heart of the Earth v. Ryan, is that any further monetary settlements which the Office of Indian Education is required to pay shall not come out of Title IV discretionary monies. The Court found that the Office of Indian Education wrongfully denied the applicants the fair review of their grant applications, and thus, the funding for projects to which they were entitled when reinsterted into the funding slates for 1985 / 1986. Heart of the Earth was successful in challenging and overturning inappropriate or illegal actions by the Office of Indian Education. Thus, it is recommended that the monies awarded in any future lawsuits in which claimants succeed on their legal challenges, shall not be taken from future grant category distributions. Allowing the Office of Indian Education to take the settlement monies, wrongfully denied Heart of the Earth and Red School House during the 1985 / 1986 fiscal year, from the appropriations for Title IV program categories for 1986 / 1987, results in other Title IV programs across the nation bearing the cost of the illegal actions by Office of Indian Eduation administrative staff.

CONCLUSION

In summary, we at Heart of the Earth, applaud the efforts being made by this Committee to see that the Nation meets its commitment to meet the special educational needs of Indian children. In pursuing this task, we are hopeful that legislation is enacted which continues this commitment with sufficient specificity so that both the Office of Indian Education and potential grantees can rely on the program and understand their respecitive duties.

Further, a renewed commitment at this time should sharply illustrate to those in the Administration who would bury Indian Education that their direction is not in keeping with either the trust responsibility of this Nation to Native People nor the desires of Congress.

PREPARED STATEMENT OF LIONEL R. BORDEAUX

Sinte Gleska College is pleased to have this opportunity today to offer testimony to the Senate Select Committee on Indian Affairs relative to the Indian Education Amendments Act of 1987.

As a tribally-chartered higher education institution located on the Rosebud Sioux Indian Reservation, Sinte Gleska College herein acknowledges and supports the program efforts of the many Bureau of Indian Affairs and Tribal Contract schools throughout Indian country. Since inception, Sinte Gleska College has regularly advocated for appropriate and credible educational programs, services and opportunities, whether at the Headstart, K-12 or post-secondary level, on behalf of the Lakota People and the Great Sioux Nation.

In reviewing the various proposed Title I and Title II provisions, Sinte Gleska College notes positive steps to strengthen fiscal resources and management systems for elementary and secondary schools. Such provisions are essential for realizing a fluid flow of annual operations that allow schools to plan and administer programs in an efficient manner. Adequate and timely appropriations represent a key measure toward improved program development and implementation and educational delivery.

Moreover, Sinte Gleska College supports those provisions directed at ensuring tribal consultation and Indian parent/community participation in educational decision-making. This affirmation of Indian self-determination will help clarify the authority and procedures which are applied to Bureau of Indian Affairs and Tribal Contract schools and provides an important Congressional response to the field of Indian Education.

In particular, Sinte Gleska College would like to discuss the proposed

Title III amendments, specifically Section 303, which sets forth the establishment of American Indian Gifted and Talented Centers at Sinte Gleska College and Navajo Community College. Sinte Gleska College is honored to be considered for a demonstration project and assures the Committee that we feel uniquely qualified to conduct a full range of project activities.

On the Rosebud Reservation there are presently 190 students involved in gifted and accelerated study programs in the Todd County School District and at St. Francis Indian School respectively. Little Wound School on the Pine Ridge Reservation is highly regarded for its gifted and talented program design. Sinte Gleska College welcomes the prospect of extending activities wherever Indian children may benefit from project assistance and resources.

Educators have long-debated the actual number of gifted and talented Indian students and the processes utilized to identify and ultimately serve this special segment of the Indian population. Major concerns among educators have included the existence of cultural biases in testing, the recognition of traditional learning methods and the lack of awareness surrounding Indian giftedness and talentedness. Parents, families, teachers and administrators must be trained in the area of gifted and talented education and Indian children must be afforded a chance to exercise their potential. Curriculum and classroom environment must be shaped to accommodate the exceptional abilities of these gifted and talented Indian children.

Sinte Gleska College will seek to define, assess and disseminate project data which expands and increases intellectual, creative and leadership programs for gifted and talented Indian students in our elementary and secondary schools. By calling upon tribal college expertise to address the educational needs of gifted and talented Indian children, Section 303 proposes a viable solution that promotes the elementary, secondary and post-secondary relationship and

provides a project model for subsequent programs within the Indian Education network.

Lastly, Sinte Gleska College wishes to voice its support of Title IV in terms of Navajo Community College and the legislative provisions contained in Public Law 99-428. Appropriations must correspond with authorized amounts and be granted for fund expenditure on an institutional-wide program and operational cost basis. The Title IV amendments as pertaining to Navajo Community College and other American Indian Higher Education Consortium members under "The Tribally-Controlled Community College Assistance Act of 1978, as amended" shall be critical to the success of higher education in the upcoming years as tribal colleges continue to grow and implement new programs and technology revolving around future tribal issues and challenges.

In sum, the Indian Education Amendments Act of 1987 encompasses a broad scope of program interests and avenues for Indian People. Sinte Gleska College now joins other individuals and institutions in requesting Congressional support of this legislation so that proposed programs may become realities and enhance the impact and role of Indian Education across the United States.

MARTY INDIAN SCHOOL
BOX 187 MARTY, SOUTH DAKOTA 57361 605-384-5431

PREPARED STATEMENT OF VICTOR PROVOST

On behalf of the Yankton Sioux Tribe and Marty Indian School, we extend our appreciation to you in affording us the time to present what we believe are important issues facing the education of our children, as well as children of other Tribes.

It is our concern that the educational experience and growth of Indian children who desire to attend Tribal Contract Schools are being adversely affected for the following reasons:

(1) The Bureau of Indian Affairs is not acting in the spirit of P.L. 93-638 with respect to self-determination;

(2) The Bureau of Indian Affairs in unwilling to recognize the fact that Tribal Contract Schools are not Federally operated schools;

(3) The Bureau of Indian Affairs arbitrarily establishes attendance boundaries, thereby placing severe limitations on students and parental freedom of choice in regard to which schools students can attend.

With respect to criticism number one (1), CFR 271.4 (a) expresses that Congress has recognized the obligation to Indian people to direct their own educational services that would meet the needs and desires of those tribal communities. In so far as CFR 271 is explicit as it relates to Tribal Contract Schools, the Bureau of Indian Affairs does not facilitate its own policies as written in CFR 32.4 (3), inpart that which ensures

Indian Tribes and Alaskan natives to fully exercise self-determination and control in all aspects of the education processes. Rather, the Bureau through agency personnel, continually attempts to coherce Tribal Contract Schools to adher to their policies. The Bureau has assumed that Contract Schools fall within the auspices of Bureau operated school regulations.

In criticism number three (3), with indifference to P.L. 93-638 and appurtenant CFR cites, the Bureau arbitrarily established school attendance boundaries. In a memorandum from the Bureau dated 29 March 1983 in regard to Minimum Academic Standards and Dormitory Situations, schools were directed to review the proposed rules (including those on geographic attendance boundaries) and requested compliance with CFR 25 part 31, Federal Schools for Indians. For your review and records please refer to attachment A.

Obviously not taken into account was the validity of Tribal Contract Schools. Most schools replaced this proposed rule, as did Marty, with their proposed attendance boundaries. Refer to attachment B.

Marty Indian School did in fact in the fall of 1983 receive confirmation to their proposed school attendance boundary. See attachment C.

A 17 May 1985 memorandum from the Bureau expressed that all students accepted by the school must reside within the attendance boundaries established by the school. However, a paragraph added by the Bureau undermined the responsibility of Contract Schools in determining their attendance criterion: All students accepted by you must reside within the attendance boundaries established for your school. You must have on file an application for each student signed by the student's home agency education official, and when appropriate the agency social service official. Only those students that have been approved for attendance at your school by the home agency can be counted for ISEP funding. The education official at the student's home agency will be held responsible for verifying the student's eligibility to be at Marty. Refer to attachment D.

In Final Draft of 62 BIAM suppliment 3, attendance boundaries appeared

29 October 1985 which established that it is the policy of the Bureau of Indian Affairs to establish and maintain non-overlapping attendance boundaries. Refer to attachment E.

The Bureau, in its continuance of establishing policy incongruent with its own policies and that of CFR regulations, interpreted CFR 32.4 to read as to mean over-lapping boundaries. In effect, the Bureau does not permit Tribal, parental and student choice of schools particularly off-reservation schools such as Marty Indian School.

The Bureau of Indian Affairs, in limiting Marty Indian School's attendance boundaries to the exterior boundaries of the Yankton Sioux Reservation, has undermined the Yankton Sioux Tribe in its authority to delegate this decision to the Board of Education which it did by resolution No. 81-25 on 21 January 1981. Refer to attachment B-Con't.

We follow these criticisms of the Bureau's unwarrented, random policy changes with these recommendations, that

a) The Congress establish guidelines for the Bureau that would unilaterally provide the contract schools with the automony needed for development with respect to their government, laws, religion, culture and educational values.

b) The Bureau of Indian Affairs refrain from establishing any policies, such as school attendance boundaries, without explicit approval of the Contracting Tribe and/or Tribal School Board.

c) The Bureau of Indian Affairs live up to the doctrine of American democracy, in that all Tribal parents and students be afforded the right to attend their choice of school whether it be public, private, government, or tribal contract school.

d) A special monitering of Bureau trust responsibilities be structured that would ensure the Bureau does not prohibit through bureaucratic malfiance the educational development and experience of Indian children in tribal contract schools.

In conclusion, we will not allow the Bureau of Indian Affairs to divide up our children, draw lines or boundaries to separate or restrict them. In the Dakota/Lakota way, we are all responsible for the well-being and education of our children. This will not change because of government regulations. Marty Indian School will continue to be there Wakanhejan kin hena . . . For the children.

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

REPLY REFER TO:
Education
Code 502

MAR 29 1983

Memorandum

To: All Area Education Program Administrators
All Agency Superintendents for Education
All Schools and School Boards

From: Acting Director, Indian Education and Programs (OIEP)

Subject: Minimum Academic Standards and Dormitory Situations

Enclosed for your attention is a copy of the "Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations" published in the Federal Register on Wednesday, March 23, 1983.

You are requested to share this proposed rule with your staff, school boards, tribal officials, and other interested parties for review and comment. Any assistance you can provide to assure proper distribution to the public regarding this proposed rule will be greatly appreciated, especially including reproduction requests. A copy of this proposal rule is being sent to all tribal leaders under separate mailing.

Please note that comments must be received and/or postmarked on or before May 9, 1983. To expedite considertion of your comments send comments directly to Code 502, George D. Scott, Office of Indian Education Programs, Bureau of Indian Affairs, Department of the Interior, 18th and "C" Street, N.W., Washington, D.C. 20240. For further information, Mr. Scott can be reached at (202)343-6675.

Dr. Kenneth A. Reis

Enclosure

81-290 0 - 88 - 7

Taken from "Min. Acad. Standards for the Basic Ed. of Ind. Children and Nat. Criteria for Dormitory Situations" - Fed. Reg. March 23, 1983

(4) Schools exceeding these specific staffing ratios for over thirty (30) consecutive days during one school year shall submit a justification for a request for a waiver to the Director, through the Agency Superintendent or Area Education Program Administrator, as appropriate, which may be approved for a period not to exceed one school year and only for the following reasons:

(i) Additional classroom space is not available for establishing another class; or

(ii) The school, Agency, Area and Office of Indian Education Programs Applicant Supply File has been exhausted and the required teacher position cannot be filled. However, efforts to fill the vacancy shall be continued.

(5) Each school shall provide, in the absence of a regular teacher, a certified substitute teacher who meets the State substitute teacher qualifications. In the event that such a substitute is not available, coverage will be provided by a school employee designated by the school supervisor. A class cannot have as a teacher an employee without teaching credentials for more than thirty (30) consecutive school days during any one school year.

(b) Written school enrollment and attendance policies. Each school shall have written school enrollment and attendance policies in compliance with and/or consistent with 25 CFR Part 31, Federal Schools for Indians, the statutes of the State, and tribal education ordinances.

(c) Geographic attendance boundaries. Each Agency Superintendent for Education shall establish and implement non-overlapping geographic attendance boundaries within that Agency for each school within the administrative jurisdiction of that Agency. The establishment of such geographic boundaries shall require coordination with contiguous Agencies within the

Area and consultation with the Agency or other relevant school boards and/or tribes and shall be reviewed each year to appropriately adjust for geographic changes in enrollment, changes in school capacities, and improvement of day school opportunities for students. The Director shall establish and implement geographic attendance boundaries for each off-reservation boarding school under his/her administrative jurisdiction. The establishment of geographic boundaries shall require coordination with other Area Education Program Administrators similarly affected by the requirement of this part, the affected tribes, and the Director.

§ 36.12 Standard III - Program needs assessment.

The policy and procedures of each school and its curricula shall be developed and revised based on an assessment of educational needs. This needs assessment shall be conducted at least every seven (7) years at the same frequency as required in § 36.50, School Program Evaluation. This assessment shall include at least the following criteria:

(a) Clearly stated student educational goals and objectives. A student educational goal is defined as a statement of the knowledge, skills, attitudes, or concepts students are expected to exhibit upon completion of a grade level. Student educational objectives are defined as statements of more specific knowledge, skills, attitudes, or concepts students must exhibit in order to achieve the goal.

(b) Collection of appropriate data from which valid determinations, judgments, and decisions can be made, e.g.,

(1) Perceptions of the parents, tribes, educators, and the students with regard to the relevance and importance of the goals.

(2) The extent to which educational goals and objectives have been

MARTY INDIAN SCHOOL

PHONE (605) 384-5431 P.O. BOX A MARTY, S. DAK. 57361

June 2, 1983

Mr. Harley Zephier, Sr.
Education Specialist
Aberdeen Area Office
Bureau of Indian Affairs
115 Fourth Avenue, S.E.
Aberdeen, South Dakota 57401

RE: School Attendance Boundaries

Dear Mr. Zephier,

The following is the school attendance boundaries as approved by the School Board on December 17, 1982 and incorporated in the School's Policies and Procedures Manual.

School Attendance Boundaries

A. Day students who are enrolled or eligible for enrollment with Federally recognized tribes who reside within the exterior boundaries of the Yankton Sioux Reservation;

B. Dormitory students who are enrolled or eligible for enrollment with Federally recognized tribes and who reside within the Aberdeen Area (S.D., N.D., and Nebraska) and;

C. This school may enroll students (dormitory) from outside these attendance boundaries at the discretion of the Chief School Administrator and the Marty Indian School.

These boundaries were developed using the following guidelines and priorities:

a. Preference for student enrollment shall be given to children of enrolled members of the Yankton Sioux Tribe.

b. Preference will be given to a maximum of 400 day students. A dormitory student may be substituted for a day student up to an maximum of 160 students with present facilities at the discretion of the Admissions Board.

c. The School Board acted as a Parent Advisory Committee in establishing these boundaries. The School Board consists of duly elected enrolled Yankton Sioux Tribal members or an American Indian person living within the exterior boundaries of the Yankton Sioux Reservation who is 18 years of age or over.

d. The Yankton Sioux Tribe delegated the authority for these decisions to the School Board by resolution No. 81-25 on the 21st day of January 1981.

e. The School Administration maintained communications with the Tribal Government of those boarding students enrolled from other reservations during the development of the school's boundary plan.

Sincerely,

Raymond J. Stone
Mr. Raymond "Jim" Stone
School Board Chairman

Ben Ahrendt Jr.
Mr. Ben Ahrendt, Jr.
Superintendent

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
ABERDEEN AREA OFFICE
115 FOURTH AVENUE S.E.
ABERDEEN, SOUTH DAKOTA 57401

IN REPLY REFER TO:

NOV - 1 1983

Mr. Ben Ahrendt, Jr.
Superintendent
Marty Indian School
Marty, SD 57361

Dear Mr. Ahrendt:

Attached please find a copy of the October 21, 1983 memorandum from the Acting Director, O.I.E.P. regarding the Approved School Attendance Boundaries.

Your approved attendance boundaries are as follows:

Marty Indian School:

A. Day students who are enrolled or eligible for enrollment with Federally recognized tribes and who reside within the exterior boundaries of the Yankton Sioux Reservation.

B. Dormitory students who are enrolled or eligible for enrollment with Federally recognized tribes and who reside within the Aberdeen Area (S.D., N.D., and Nebr.); and,

C. This school may enroll students (dormitory) from outside these attendance boundaries at the discretion of the Chief School Administrator and the Marty Indian School Board.

If you have any questions call 605/225-0250, ext. 431.

Thank you for your cooperation.

Sincerely,

Acting Area Educ. Prog. Administrator

Attachment

UNITED STATES GOVERNMENT

memorandum

DATE: May 17, 1985

REPLY TO ATTN OF: Division of Education, Aberdeen

SUBJECT: Student Applications and Attendance Boundaries, School Year 1985-86

TO: Acting Superintendent, Marty Indian School

The following are your attendance boundaries, approved per memorandum dated October 21, 1983 from the Acting Director, Office of Indian Education Programs.

A. Day students who are enrolled or eligible for enrollment with Federally recognized tribes and who reside within the exterior boundaries of the Yankton Sioux Reservation.

B. Dormitory students who are enrolled or eligible for enrollment with Federally recognized tribes and who reside within the Aberdeen Area (S.D., N.D. and Neb.); and,

C. This school may enroll students (dormitory) from outside these attendance boundaries at the discretion of the Chief School Administrator and the Marty Indian School Board.

All students accepted by you must reside within the attendance boundaries established for your school. You must have on file an application for each student signed by the student's home agency education official and, when appropriate the agency social service official. Only those students that have been approved for attendance at your school by the home agency can be counted for ISEP funding.

The education official at the student's home agency will be held responsible for verifying the student's eligibility to be at Marty.

Harry Eagle Bull

Area Education Program Administrator

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

☆U.S.GPO:1983-0-381-526/7604

1. ATTENDANCE BOUNDARIES

1.1 General. This supplement describes the policy, responsibilities, and requirements regarding establishment and maintenance of attendance boundaries for Bureau of Indian Affairs funded schools and peripheral dormitories.

1.2 Policy. It is the policy of the Bureau of Indian Affairs to establish and maintain non-overlapping attendance boundaries for each Bureau funded school and peripheral dormitory in its education program.

1.3 Authority. The Director, Office of Indian Education Programs, shall develop a uniform and auditable system for enrollment criteria and attendance boundaries for each school in the Bureau educational system. (25 CFR 39.20(b))

1.4. Definition. Attendance boundaries identify clearly defined geographical areas established by a school in cooperation with neighboring schools and receiving approval by the Director, Office of Indian Education Programs.

PREPARED STATEMENT OF ROGER BORDEAUX

This testimony is presented on behalf of the Education Committee of the Rosebud Sioux Tribe (RST), in regard to the "Indian Education Amendments Act of 1987." Our committee is delegated the authority and responsibility for the education of all Tribal members from early childhood through adulthood. We are very supportive of this iniative and do hereby give our full endorsement to its passage!

We fully support the testimony given on behalf of the St. Francis Indian School and Sinte Gleska College, both chartered entities of our Tribe. We are wholeheartedly behind their efforts to provide quality education for their respective student bodies. We urge your support and implementation of their testimony.

Our committee , also, supports your FY '88 budget request to the Subcommittee on Interior and Related Agencies, particularly in education; School operations- $187,411,000; Johnson-O'Malley- $22,757,000; Continuing Education- $30,047,000; and Substance Abuse- $2,400,000. We share your concern that sufficient revenues be made available for the operation of programs for Indian people.
Our testimony will be given on each of the three (3) titles of the Act, and will be basically comments of support with explanations. We will not comment on each section, but those we feel need to be addressed.

A. Title I

1. Emergency and Special Situations: Section 103. We fully support the addition of three (3) new paragraphs (5(, (6), and (7), to Subsection (g) of Section 1121, particularly paragraph (6) which allows for schools to become Bureau funded and for such schools to add grade levels or expansion of programs. This to be done without the Bureau disapproving based on proximity of other education facilities. Too often, the Bureau gets hung up on the proximity in disapproving such requests.

The Bureau tends to overlook the distinct qualities of a program(s). This will allow for more innovative and effective programs that would otherwise be unavailable!

2. Dormitory Criteria: Section 104. Section 1122 with a new subsection (d), which we take as allowing the Flandreau Indian School (FIS) to be waived from the Bureau's square foo-age requirement, until funding is provided for renovation and constructions of facilities.

   Approximately fifty (50) Rosebud Sioux students attend FIS (1986-87). We are concerned over the Bureau's current directive to have FIS comply for the 1987-88 school year. This translates into the school losing up to 100 students over last year, which would mean cutbacks in staff and programs. We are requesting the SCIA to take immediate action to stop the Bureau's action, until funding is available for renovation and/or construction.

A. Title I (cont.)

3. Administrative Costs: Section 107. Section 1128, subsection (c), we give our full support for this subsection, which we hope will do away with the Bureau's proposed 15% flat rate. It is now negotiable and that's how it should be. Each school has its own situation to allow for negotiation.

4. Local Procurement: Section 108. We fully support the addition of a new subsection (e) to Section 1129. This will be very beneficial to local businesses, in particular to new and existing Indian owned businesses. On our reservation this would be of great benefit to local businesses, who find it very difficult to compete with larger outside firms, and keep the dollars in our own area!

5. Consultation: Section 110. We support this consultation process and hope the Bureau adheres to it! This should put a stop to proposed initiatives without consultation. The entire section is very specific,

in particular the Secretary's reporting to Congress.

6. Indian Preference: Section 114. We fully support Indian preference within the Department of Education's Office of Indian Education Programs. This wasn't the case in the past and we are finally getting legislation to address this! There are many qualified Indian educators who could provide valuable insight and direction to the office. This is a very positive move.

B. Title II. - Self Determination Grants

Within the past five (5) years the Bureau has tried to change P.L. 93-638 contracts to grants. We are and will continue to be opposed to this move. We believe contracts are more permanent, with grants as a year to year committment. We would like the wording to be changed back to contracts! We are deserving of this through our relationship, per treaties, with the federal government. We view the change to grants as a disguised move toward severing this unique relationship.

1. Congressional Finding: Section 202. We fully support the contention that the Bureau is not effective in the administration of the P.L. 93-638 contracting process. The findings are true and we are supportive of them.

2. Declaration of Policy: Section 203. We fully support this entire section. Of particular significance is language in (b) where Education is recognized as a trust responsibility, something that the Tribes have been stressing for years!! This is very strong and enlightening language!

C. Title III. - Other Programs of Indian Education

1. Extensions of Authorizations of other Indian Education Programs: Section 301. We fully support the appropriations for and reauthorization of the Indian Education Act of 1972, through fiscal year 1993! This is a very important supplemental ed-

ucation program, from which almost all of our students receive services. Without this program and the Johnson-O'Malley program many of our students will not receive the needed services to get the most out of their K-12 education. Such programs are the only sources of funding for their unique needs. The programs are effective and should continueto be funded, as long as there is a need for them. Our local needs assessments show a high need for such supplemental programs.

2. Proof of Eligibility: Section 302. We fully support this amendment, which allows a Tribe to define its own membership and for students to be eligible, accordingly. Who can better establish its membership than a Tribe?!? This is a key initiative, which is long overdue!

3. Gifted and Talented: Section 303. We are fully supportive of Sinte Gleska College as being selected to establish an American Indian Gifted and Talented Center on our reservation. We are very proud and fortunate to have an excellent educational facility such as Sinte Gleska College. The college has the personnel and capabilities to establish a great and exemplary center!

   We are supportive of the effort to establish a national network of American Indian and Native Hawaiian Gifted and Talented Centers. We all need this dialogue and support for one another!

This concludes the testimony of the RST Education Committee. We hope you take our testimony in good faith and we will be looking forward to the day the Act is passed and signed into law.

Senator, the Indian Tribes and Native Hawaiians of this great nation are fortunate in having a man of your integrity, stature and capabilities serving as Chairman of the SCIA! We are very proud to have you as Chairman and we wish you the best in your endeavors. If you're ever in our area, please stop by and visit the Rosebud Reservation, you'll be more than welcome!

Respectfully submitted,

Rodney Bordeaux

Rodney Bordeaux, Chairman
Education Committee
Rosebud Sioux Tribe

PREPARED STATEMENT OF CHARLES W. MURPHY, CHAIRMAN
STANDING ROCK SIOUX TRIBE

Senator Daschle and respective members of the Committee Staff: On behalf of the Standing Rock Sioux Tribe located in North Dakota and in South Dakota, I am transmitting to your Committee our testimony regarding the Senate's Indian Education Amendments Act of 1987. We commend the Senate Select Committee on Indian Affairs on holding its Hearing in the real "Indian Country" and seeing first hand what the real Indian education is like especially on the Pine Ridge Indian Reservation.

In May of this year, the House of Representatives passed H. R. 5, the School Improvement Act. This bill would not only reauthorize but would strengthen many federal Indian education programs, including the B.I.A. and Title IV programs. The Standing Rock Sioux Tribe strongly supported H.R. 5 and would also support the Senate's Indian Education Amendments Act of 1987 if it is equivalent to H.R. 5 or better. We would like to discuss several provisions to the Indian Education Amendments Act of 1987 and would also suggest several modifications to the Bill.

Prohibition of the "Swimmer initiative" on BIA Schools.

The bill would prohibit implementation of the "Swimmer initiative" on BIA schools without congressional approval. Under this initiative, we would be forced to accept contracts for BIA schools located on the South Dakota side of our Reservation which includes the BIA day schools located in Little Eagle and in Bull Head or see those schools transferred to state control. We have public schools on the Standing Rock Reservation and have seen how the interests of Indian parents short-changed. For example, in one large school district on the Reservation, until the Tribe threatened to file suit this year there were no polling places in any of the Indian communities for school board elections. We do not want this sort of treatment to spread to more schools. In fact, Senator Daschle, there is one school on the Reservation that used to be runned by the BIA but was turned over to the State some years ago. We would

like to see the BIA reassume control over that school and work toward strengthening its education programs in general--not abandon its role in educating Indian children.

Standing Rock Dormitory Situation.

Since 1978 our students have been deceived by the BIA. The Superintendent for Agency appeared before the Tribal Council and provoked a motion to be adopted authorizing the dormitories to be condemned and demolished. The Tribe had been informed that the only way the BIA would construct new dormitories would be to demolish the old ones and nothing can be done until the dormitories were demolished first. the deceitfulness of the BIA lead to the closure of our dormitories, thus, decreasing the enrollment of our schools in Fort Yates. The Standing Rock Sioux Tribe strongly urges the Congress of the United States to remedy the wrong initiated by the BIA and place the Tribe in its priority list for funding of the construction and operation of the dormitories so wrongfully extorted by the BIA.

Problems in the "638" process.

At Standing Rock we have considered taking over one or more of the BIA schools by a P.L. 93-638 contract. But, there are so many problems in the "638" contract process that taking over these schools is just not realistic at this time. Our major problem is indirect costs and we are glad to see the Senate over-hauling this system and support those provisions of the bill. Another problem we see in contracting for the BIA schools are that inadequate contract funds are provided where such areas as maintenance and repair and equipment purchases are important toward the continual operation of the facilities. There are no equal treatment between BIA schools and contract schools. Of course, the BIA goes ahead and gives its schools the funds first and what ever is left over is given to the contract schools.

Another immediate problem we foresee which needs rectifying before we can consider contracting is the area of insurance premiums. The BIA requires the tribal contract school to purchase substantial insurance, but then does not include enough funds in the contract for this purpose.

We ask the Committee to require the BIA to eliminate funding inequities between BIA and contract schools and to fund all costs incurred by the contract schools, including necessary insurance. A much feasible mechanism would be to have the Federal Tort Claims Act extend coverage to employees of tribal contractors of BIA programs. This would greatly assist Tribes in operating a much improved transportation system for the children whom are to be taken to and from school.

More Authority for Tribal school boards.

We were surprised to realize that the BIA Superintendent for Education has the authority to over-rule the Tribal School Board decisions. It has always been the understanding of the Tribe that Indian parents are given a role in running the school as members of the school board. We find this is not so. An example, several years ago the tribal school board "waived" Indian preference only for that one year as there had not been any qualified Indian applicants for the position of high school principal and the following year, the same school board wished to advertis the position but had been over-ruled by the Agency Superintendent for Education. The non-Indian continues to this day along with the assistant principal who is also non-Indian rule the roost.
Other areas of concern include the actions taken by the tribal school boards not being followed up on by the administration. We express concern as the behavior and attitude of the students attending our schools does not reflect the meaningful actions taken by the school boards. We would like to work with the committee in addressing this problem.

In addition, the Senate's Indian Education Amendments Act of 1987 proposed legislation does not reflect the H.R. 5's proposal to establish up to five "model schools" to serve Indian children. We support a similar provision in the Senate's proposed legislation with more authority being granted to the tribal school boards and weakening the role of Indian parents in the schools. However, no new funds are being recommended or authorized for these model schools. We urge additional funds be added for innovative "Indian-oriented" programs be initiated.

Cooperative Agreements.

The major concern on the Standing Rock Sioux Indian Reservation regarding the education of our children is the lack of a cooperative agreement with the two schools in Fort Yates. There is a public school with its public school board and there is the BIA school with the tribal school board. For the past six or seven years, these two boards have not been able to coordinate a cooperative agreement to provide quality education to all the children in the service area. Unlike the provisions in Section 109 of your legislation, the existing high school is a BIA constructed and funded program and the local public school district applied to the Department of Education for funds to construct a new high school and the Department of Education apparently approved the application. It is our position that the funds approved by the Department of Education should be utilized in renovating the existing high school and offer coordinated programs to the students.

We urge the Committee to review this problem area which may be resolved but strongly urge your "over-sight" on the Cooperative agreements between the two schools.

We recommend that interagency agreements be initiated where programs like the Title IV, Impact Aid, "874", Chapter I or II, and other education programs that our school is eligible for so these funds can be contracted by the Tribe under a "638" contract. If the Committee wishes more information, we would be happy to provide you with such.

Reauthorization of education provisions of Anti-drug Abuse Act of 1986.

The Anti-drug abuse bill last year had authorized funds to be spend for drug education and related purposes. However, we find that the Law had been thwarted as the Administration is not requesting funds to implement the second year of this effort. In stead, we find that those funds currently granted to the Standing Rock BIA school is being requested to be returned. The terrible problems of alcohol and drug abuse among

our Indian people cannot be solved in one year. We strongly urge that the Senate-proposed Indian Education Amendments Act of 1987 would reauthorize the education provisions of the Public Law 99-570.

Consultation with Indian Tribes as condition of recieving Impact Aid funds.

By law, the public schools have to consult with Indian Tribes as a condition of receiving impact aid funds. We have yet to recieve any consultation from the public school districts within the Reservation. This problem has been an on-going one and would wish the Committee's assistance in solving it. We request that stricter provisions be added to the legislation.

We further support the legislation to make statutory most of the current Indian regulations as the BIA is working on major revisions to education regulations without tribal consultation or congressional notification.

In addition to our support of the indirect cost formulae being developed to address the problem being experienced, we strongly support an additional provision for an ISOLATION adjustment. The computation would be added to the base weighted student unit figure for each school, thus generating a new weighted unit figure. The new weighted unit figure would be added to the school's total, and the resulting figure would be utilized in the final allocation of funds to our school.

Lastly, we strongly urge the Committee to include within this legislative package appropriate language that addresses the special education of those handicapped students from pre-school through high school attending BIA schools. At present, our handicapped Indian children are almost pushed into a corner of our schools and forgotten.

The legislation should also include special provisions for the Bi-lingual education of our Indian children in our native tongues.

Our testimony probably does not address each section of the proposed legislation addressing the Indian Education Amendments Act of 1987. However, we as a Tribe have always strongly supported the reauthorization of Indian education Programs. We have attempted to offer you situations and some ideal suggested remedies. The Standing Rock Sioux Tribe have always supported the establishment of Tribal Departments of Education; however, our problem has always been the funding of such departments. With the authorization from this legislation, may be we can utjlize the Title IV Programs in providing our people a more coordinated approach in addressing tribally-sponsored Indian education to our students attending our schools.

I thank you, Mr. Chairman, for allowing us to submit our testimony for the record and request you maintain our concerns regarding the raw deal inflected upon us by the Bureau of Indian Affairs on our dormitory situation. I would be happy to provide you with additional information under a separate cover if requested.

Respectfully submitted:

Charles H. Murphy, Chairman
Standing Rock Sioux Tribe

TESTIMONY on Behalf of Appropriations for Construction of Oglala Lakota College Learning Resource Center under PL 99-428 The Tribally Controlled Community College Act for Fiscal Year 1988

Submitted to:

House Interior Appropriations Committee
Honorable Sidney Yates, Chair
Room B308 Rayburn House Office Building

By:

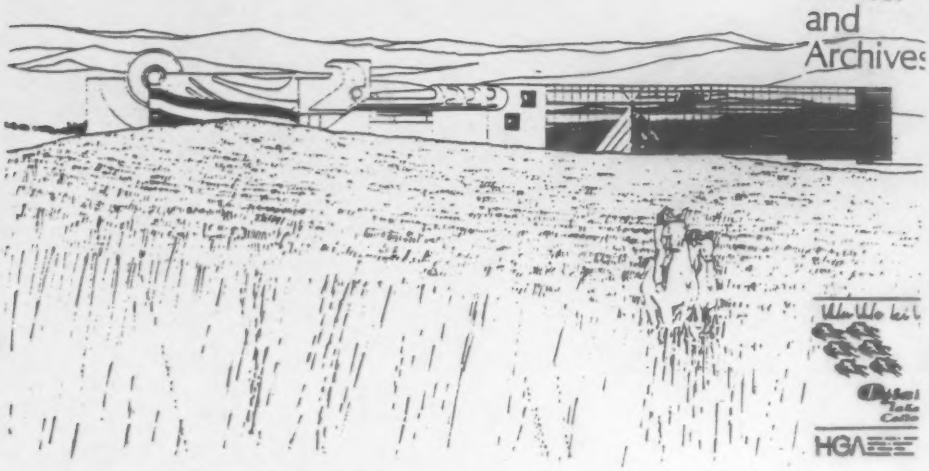
Reverend Simon Looking Elk, Executive Vice President
Oglala Lakota College
P.O. Box 490
Kyle, South Dakota 57752
(605) 455-2321

March 5, 1987

Oglala Lakota College

Woksape Tipi "House of Wisdom"

Learning Resource Center Audio Visual Center and Archives



- "The library of the future will:

  * build on the best of the past
  * take advantage of the political and technological opportunities of the present to
  * create a future in which libraries provide information and knowledge that encourage people to search for wisdom."

    • Marilyn Mason, Cleveland Public Library, Library Journal, '11 15 96'

- "We are aware that here, in this one small building, we could access the whole of human knowledge, and that no one would question us as to why, or what, we were doing or wanted. It is such a fine feeling. 'The public library, the People's University, the community center.'

    • Linda Crismont, Library Journal, 11 15 9

- "From that time on I always got up very early to see the rising of the day break star. People knew that I did this and many would get up to see it with me, and when it came we said, 'Behold the star of understanding!'"

    • Black Elk, Oglala holy man and teacher, Black Elk Speaks.

A. Summary

Oglala Lakota College is the second largest Tribally controlled college in the country (Navajo is the largest) and one of only two four year Tribal colleges (Sinte Gleska College at Rosebud is the other). We serve an area larger than Delaware. We serve the Pine Ridge Reservation which is made up of the poorest county in the US (Shannon). Despite these problems, we have been successful and have doubled the number of students over the past ten years to 800 in 1986 and the number of graduates to 72 in 1986. Over 90% of our graduates are employed or pursuing further education on a reservation with 70-80% unemployment.

On behalf of our 12 Board of Trustees members, 33 local Board members, 100 staff, 400 GED students, 816 college students and the 19,000 people of the reservation, we are requesting that $1.44 million be placed in the FY88 budget in P.L. 99-428 (Tribally Controlled Community College Act) as a line item to fund 80% of the cost of construction of a Learning Resource Center - Woksape Tipi (House of Wisdom) for Oglala Lakota College.

We meet all the criteria of P.L. 99-428. We have waited since 1983 for the Bureau of Indian Affairs to implement the construction sections of the law. We finally did our own study of facilities, our own five year plan, our own design and cost projection. We have secured a fairly strong commitment for another 10% of the cost from the Bush Foundation and are sure that with the Federal commitment we will have no trouble raising the final 10%.

We cannot wait. When we received accreditation in 1983 the North Central Association cited the library collection as their major concern. They are coming back for their five year visit in October, 1987. If we do not have a solid commitment of money to build a new library our accreditation is in jeopardy.

When we were declared the official Oglala Sioux Tribal Archives in 1982, we promised to safeguard and make available for study, the important Tribal papers and documents. The documents are in jeopardy because of a shortage of controlled storage space and cannot be studied because of a lack of secure study space.

There is no public library on the 7,000 square miles of the Pine Ridge Reservation. Again, we request Congress to follow the intent of P.L. 99-428 and place $1.44 million in the FY88 budget for the Oglala Lakota College Learning Resource Center which will be a public library also.

The American Indian Higher Education Consortium of the tribal colleges has requested $10 million for construction which includes our $1.44 million. We support AIHEC's request, but are asking that if Congress cannot appropriate the total $10 million that you seriously look at Oglala Lakota College's Learning Resource Center as the first implementation of the P.L. 99-428 construction provisions. We are ready. In a meeting with Mr. Ross Swimmer, Deputy Assistant Secretary for Indian Affairs and the Tribal Colleges, Mr. Swimmer commended Oglala Lakota College for taking the initiative on our own and said that, although the Bureau could not support us because of OMB constraints, they would not oppose us.

B. Tribal Community College Act (99-428) Construction:

Section 112 of P.L. 98-192 (the reauthorization of 95-471) authorized a study of facilities to be done by GSA. The act was passed in December, 1983 and nothing was done. P.L. 99-428 (the latest reauthorization of 95-471)

Sec. 112 reauthorized this study and transferred the responsibility to the Secretary of Interior. We hope this study will be completed in the near future, but fear it will not be.

The need for facilities is an acknowledged fact among reservation officials and knowledgeable visitors, e.g.,

> As of 1982 the physical facilities of most of the tribally controlled colleges were barely adequate to allow them to provide the education necessary for their students. By the standards of general community colleges their buildings, equipment and library holdings would be judged very poor, but considering the overall condition of facilities on the reservations, and the fact that most of the programs are dispersed and therefore do not need the extensive physical facilities of a residential college, they are marginally adequate. According to the administrators and faculty of the tribal colleges and my observations in 1982, the greatest needs are for more and better classrooms and laboratory space. Many of the tribal colleges cannot offer all needed classes because they do not have sufficient or adequate classrooms. Library facilities and holdings are also inadequate at the majority of these schools. This is particularly critical on reservations where there is no public library in the vicinity. Another need at several of the colleges is some type of student lounge or student union and a gymnasium for physical education classes and recreational activities.
>
> "The Tribally Controlled Community Colleges in the 1980's" by Norman Oppelt. American Indian Culture and Research Journal, 8:4 (1984), pp. 27-45.

We have immediate needs for construction as evidenced by the North Central Association accreditation review of March, 1983. The two major needs are:

1. Learning Resource Center (Library and audio/visual center)
2. District Learning Centers (classroom buildings in each of the nine reservation districts).

With a grant from the Bush Foundation in Minneapolis we have completed a five year Learning Resource Center Plan, a Learning Resource Center Construction plan, a preliminary design and a cost estimate. The plan is based on accepted library standards, North Central requirements and reservation realities. It is for a 26,000 square foot facility that would cost $1.8 million dollars.

The Report on Facilities - Section 112 (a) called for in the law is supposed to identify current BIA facilities that could be renovated, repaired or reconstructed for use by the College. We have received a letter from the BIA Superintendent for Pine Ridge stating there are no such facilities on the Pine Ridge Reservation (Attachment 1).

The Construction of New Facilities - Section 113 set eligibility for funding:

1) current recipient of grants under Section 107 - OLC has received grants since FY80.
2) accredited by nationally recognized accrediting agency - OLC has been accredited by North Central Association since 1983.

Section 113 (c)(1) states that grants shall not exceed 80% of construction costs. We are requesting that $1,440,000.00 be put in P.L. 99-428 as a line item in FY88 for construction of the Oglala Lakota College Learning Resource Center. We have already had positive reaction from foundations for about $400,000 if we could raise the balance of the $1,800,000. See attached Learning Resource Center design and cost estimate (Attachment 2) for more details.

ATTACHMENT 1

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
PINE RIDGE INDIAN AGENCY
PINE RIDGE, SOUTH DAKOTA 57770

IN REPLY REFER TO:
Facility Management

FEB 11 1987

Mr. Lowell Amiotte, President
Oglala Community College
Kyle, South Dakota 57752

Dear Mr. Amiotte:

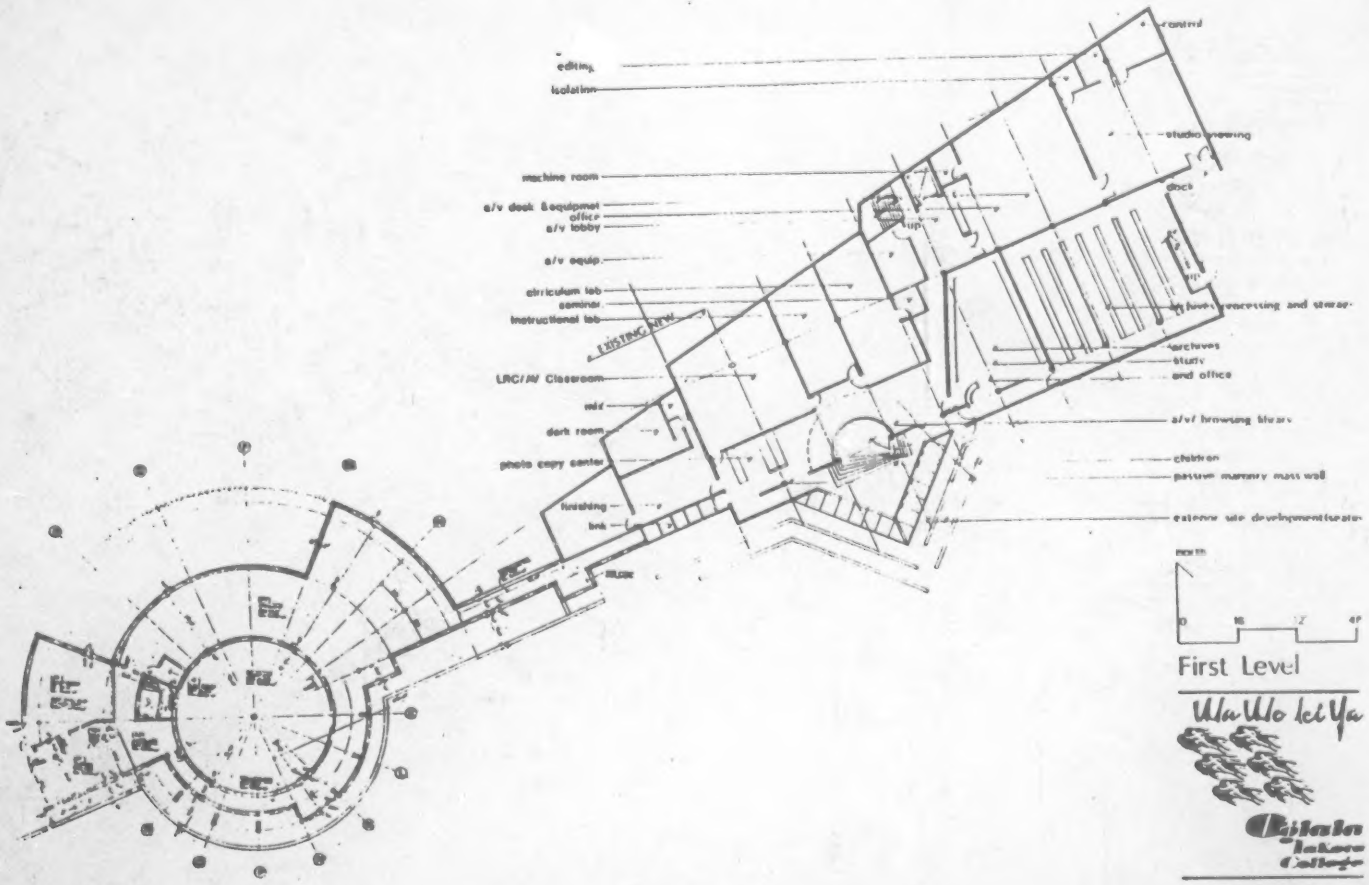
At this time the Bureau of Indian Affairs does not have facilities available suitable for use as a Library.

Should you have any questions in this matter please contact Mr. Calvin D. Clifford, 867-5143.

Sincerely,

Acting Superintendent

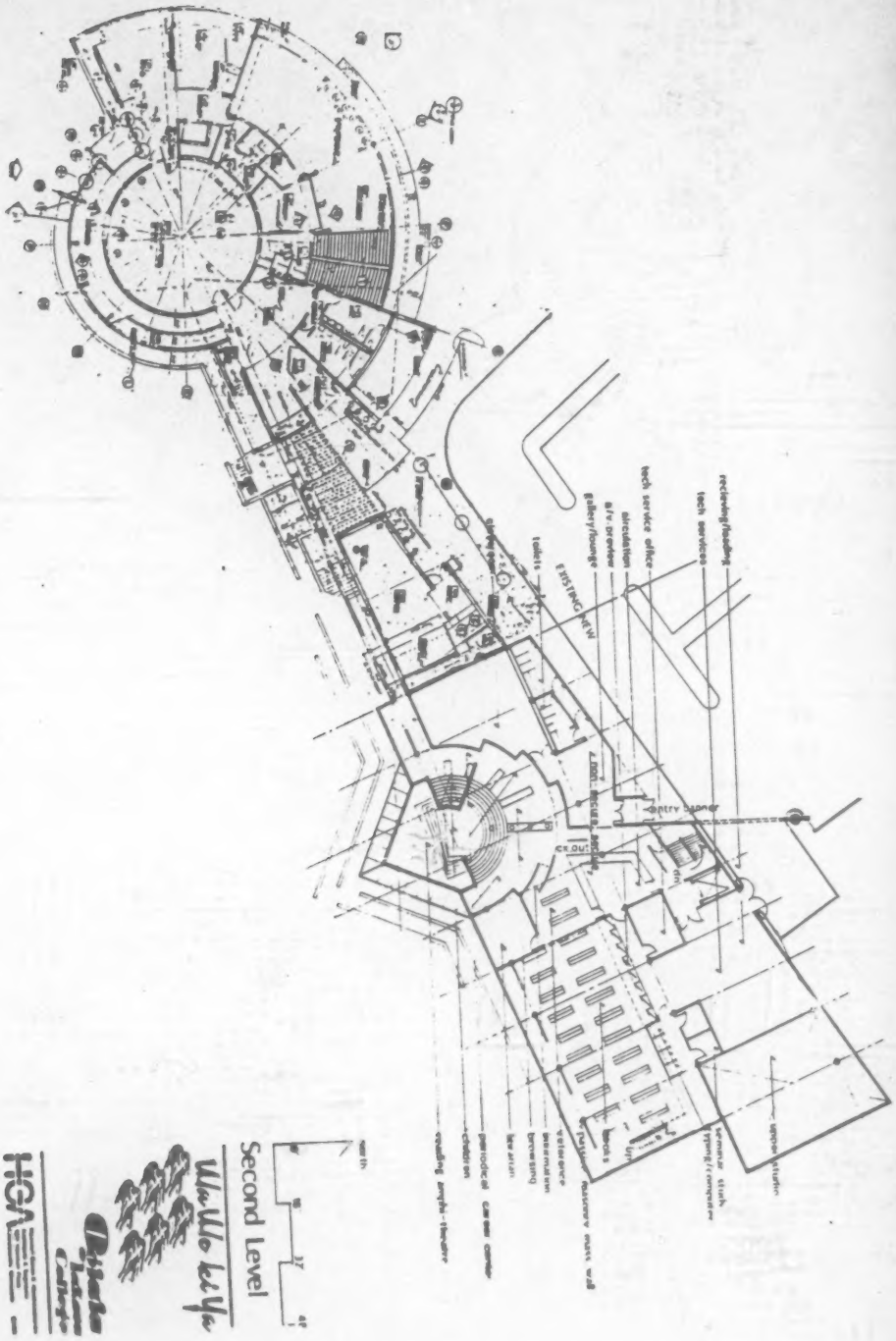
ATTACHMENT
existing HWY
entry bagger
north
0'
40'
80'
Site Plan
Waiʻoli Huiʻia
HGA

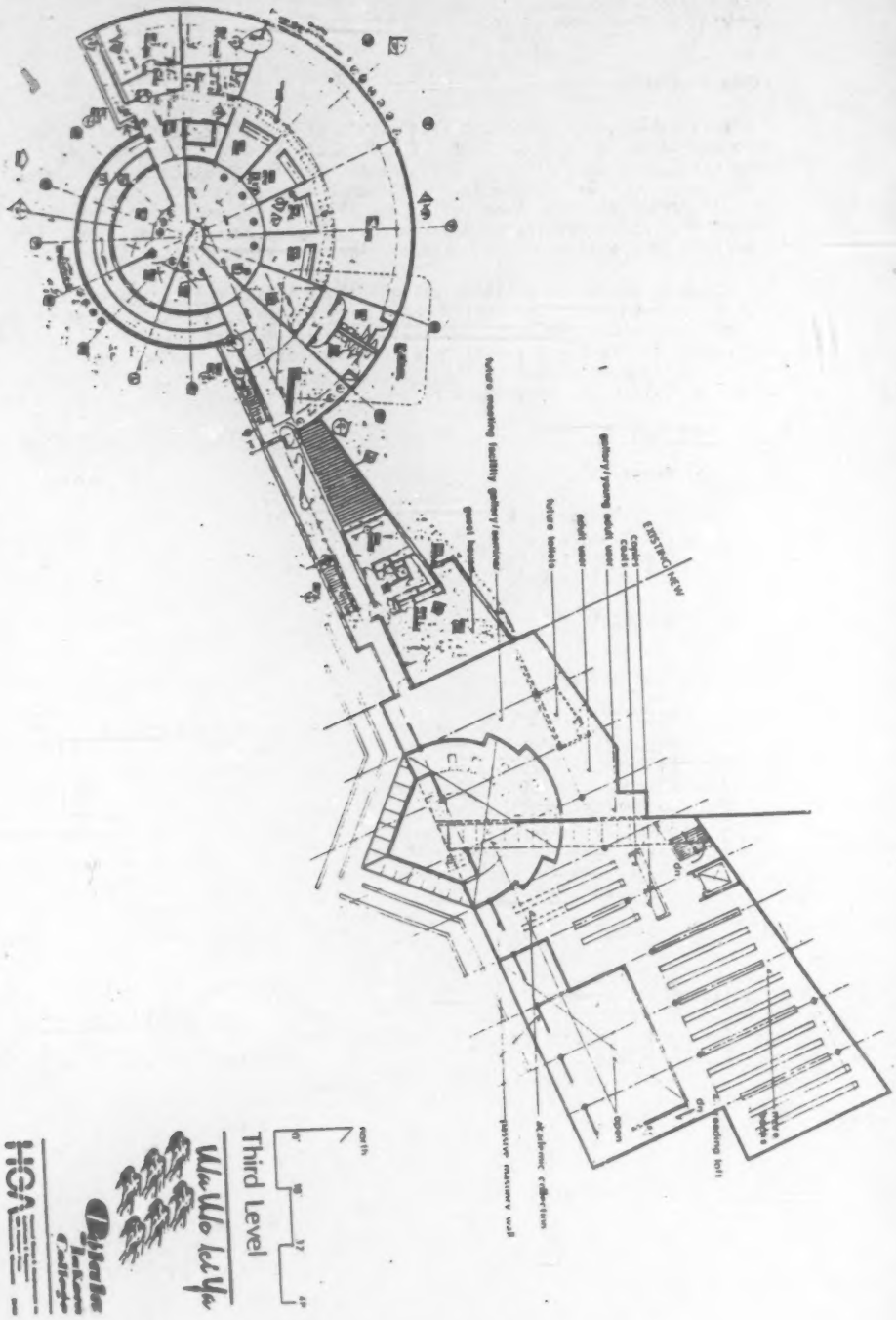


Ulu Ulo Ici Ya

Oglala Lakota College

HGA


Second Level
Ulwello ka Ye
HGA


EXISTING NEW
Open
north
Third Level
Ulumulu Iwi Ha
HGA

OGLALA LAKOTA COLLEGE
COMMISSION NUMBER 988.001.00

PROGRAM SUMMARY

The following is the fifth and final draft of space projections for the combined Learning Resource Center (LRC), Audio-Visual Center and Oglala Lakota Archives. This draft incorporates the appropriate quantitative standards established by a California accreditation board for permanent facilities based on the current 600 full-time equivalent (FTE) enrollment. It also improves the minimum space requirements for a community of 20,000 population. (Interim Standards for Small Public Libraries: American Library Association.)

The detailed space and facility assignment is based on a continuing dialogue with Dicksey Howe and her staff, and a very complete facilities program and 5 year plan. (October 1986.) Individual program areas have fluctuated from an "ideal" to "survival" level. We feel the following projections realistically provide the "critical mass" necessary to function properly with some flexibility for growth and future program changes.

	FUNCTION	AREA	FLOOR LOCATION
A.	User Areas		
1.	Circulation Desk	300	2
2.	Youth Adult Service Desk	50	2
3.	Browsing (seating for 10)	300*	2
4.	Information Reference Desk	50	2
	Subtotal	700	
B.	Books and Readers		
1.	Academic Collection (seating for 24)	600	3
2.	Books (35,000 to 40,000 volumes)	4,125	2/3
3.	Reference (3,200 -3,588 volumes)	500	2
4.	Periodical (200 - 300 volumes)	300*	2
5.	Career Information Area	300	2
6.	Adult User Space	0	3
7.	Young Adult (combined with Adult User/Academic Collection)	350	3
8.	Children	500*	2/1
	Subtotal	6,675	
C.	Technical Services		
1.	Ordering/Cataloguing/Processing	800	2
2.	Receiving Loading	400	2
3.	+ Loading Area Exterior (for large van)		
	Subtotal	1,200	

D. Special User Facilities

1.	Photo Copy Center	200	1
2.	LRC Classroom #1 (24 student stations)	1,000	1
3.	LRC Classroom #2 (24-30 student stations)	800	2
4.	LRC Classroom #3	Future	3
5.	Typing Computer Use Area (4 stations)	150	2
6.	Study Group Rooms (2 at 60 each)	120	
7.	Meeting Facility/Gallery	Future	3
8.	Seminar Room (located with curriculum development area)	50	
	Subtotal	2,320	

E. Archives

1.	Reading/Study Room (30-35 users)	1,000	1
2.	Processing and Storage (with dock access)	2,000	1
	Subtotal	3,000	

F. Audio-Visual

1.	Browsing Library	300*	1
2.	Audio-Visual Information Desk	900	1
3.	Equipment Room	800	1
4.	Instructional Design Room	500	1
5.	Curriculum Lab (with D8 Seminar Room attached)	600	1
6.	Control Room	200	1
7.	Editing Room	80	1
8.	Isolation Room	60	1
9.	Studio/Viewing	900	1
10.	Dark Room	300	(in existing building)
11.	Mixing Room	60	(in existing building)
12.	Finishing Room	300	(in existing building)
	Subtotal	5,000	

G. Administration

1.	Director's Office (adjacent reference area)	200	2
2.	Technical Services Office (adjacent Circulation and Technical Services)	150	2
3.	Audio-Visual Office (directly in Audio-Visual Information/ Equipment)	150	1
4.	Archives (included in Study Room E1)		1
	Subtotal	500	
	Subtotal of A - G	19,395	
	Miscellaneous Services and Circulation (33-1/3%)	6,400	
	Total Program	25,695 - 26,000 s.f.	

* These spaces will be integrated into double use with circulation for maximum efficiency.

rem/39/78

OGLALA LAKOTA COLLEGE
COMMISSION NUMBER 988.001.00

SUMMARY OF COST PROJECTIONS

The following projection of costs is based on established indexes for this area of the country (South Dakota) as well as the Building Type (Learning Resource Center/Library). In order to achieve the maximum in useable and creditable facility for the College, the building has been zoned and budgeted in three different areas.

1. The First Level of the facility is primarily dedicated to Audio/Visual, Archives, related study and support area for the LRC and College. This has been budgeted/projected at the "low" cost index for the area, providing functional but minimum finish space.

   11,000 SF at $56.80/SF = $ 624,800

2. The Second Level of the facility provides the critical mass of the LRC, related classroom and support for the College Library System. This has been budget/projected at the "medium" cost index for the area and building type with average finishes and building services.

   9,120 SF at $70/SF = $ 638,400

3. The Third Level (loft) of the facility is primarily library stacks and adult study area with area for growth and additional classroom, gallery, meeting and toilet space. This has been budgeted as unfinished loft space with only basic building systems of structural, mechanical, electrical, and elevator service. (Approximately 60% of medium building costs.)

   6,870 SF at $45/SF = $ 309,150

   Total Projected Cost of Building = $1,572,350

Other projected costs necessary to complete the facility include the following:

Site development and contingency 10% = $ 157,235

Remaining Architectural and Engineering Fees (design development, contract documents, and contract administration). = $ 120,000

Total Project Cost of Facility (building, site and engineering). = $1,849,585

Note: Building Equipment and Furnishings should be provided under separate budget.

rem/39/80

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